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THE FACTORY LEGISLATION

OF THE

STATE OF NEW YORK

BY

FRED ROGERS FAIRCHILD, PH.D.

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PREFACE

In the preparation of this monograph I have incurred obligations for assistance rendered by a great number of persons. To make individual acknowledgement to all is not possible, but the debt is none the less keenly felt.

My special gratitude is due to Professor Henry W. Farnam of Yale University, upon whom I have relied constantly for invaluable suggestion and criticism.

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FRED R. FAIRCHILD.

CONTENTS

INTRODUCTION

What is technically known as the "labor law" in the state of New York is contained in Chapter 415 of the Laws of 1897 as amended by subsequent legislatures. There is a great number of other laws affecting more or less directly the interests of the laboring class and commonly called labor laws.[1] To select from all these statutes those laws which may properly be said to comprise the factory law is by no means an easy task. The titles and wording of the statutes themselves give us no rule. Neither can we limit the factory law to those laws which are administered by the factory inspector's department, for the reason that many laws within the jurisdiction of this department have nothing whatever to do with factories, while on the other hand there are a number of statutes directly affecting factory employment, with the administration of which the factory inspector has nothing to do. As indicated by the title, this paper is a study of factory legislation and takes for its subject matter all the laws of the state having a direct and obvious bearing upon factory employment, regardless of whether such laws are or are not technically known as "factory laws." To avoid confusion it will be well at the outset to state just what laws will be thus considered, even though such a selection is to a certain extent a matter of personal judgment and may at times appear arbitrary.

In general the factory law is a part of the labor law (L. 1897, ch. 415). This chapter consists of fourteen articles, the first nine of which are administered by the

[1] For a complete list of these labor laws, analyzed according to subject matter, see Appendix.

factory inspector; the general subjects covered in these nine articles being, the public employment bureau of New York City, convict made goods, factories, tenement manufacture, bakeries and confectionery establishments, mines, and a number of miscellaneous matters contained in Article I, none of which relates to factories.[1] The public employment bureau and the subject of convict made goods, obviously lie without our province, and the same may be said of the laws regarding mines, although these are administered by the factory inspector. On the other hand, the subjects of tenement manufacture and the regulation of bakeries and confectionery establishments must logically be included in the subject of factory legislation.

We have thus limited the factory law to Articles V, VI, VII, and VIII of Chapter 415 of the Laws of 1897.

In addition to these parts of the labor law we must also include the compulsory education law, in so far as it relates to the employment of children in factories. The necessity for including this law in a paper on factory legislation will appear in the course of the discussion, if indeed it is not obvious at the outset. Another statute properly coming within this subject is the employers' liability law.

We have said that the regulation of tenement-house manufacture and of bakeries and confectionery establishments logically comes within the subject of factory legislation. This is true. Nevertheless, for a number of reasons, it has seemed best to omit these two subjects from this paper. Regarding bakeries, there is not much to be said that is not already covered in the general discussion of factory legislation and inspection. The sub-

[1] For the titles of the fourteen articles of the labor law, see Appendix.

ject of the regulation by law of tenement-house industry, on the other hand, is one of vast importance. However, until more is known about tenement-house industry itself it seems hardly worth while to try to show the effects of the laws; a conclusion which is strengthened by the fact that the legislation on the subject is still in the experimental stage, and that the administration has been so defective that the experiments even have not had a fair trial. The whole matter of tenement-house industry, including the attempts at regulation by law, is of course too large a subject to be embraced in a chapter of this paper. The laws relating to tenement-house manufacture, bakeries, and confectionery establishments are contained in Articles VII and VIII of the labor law.

We may state, therefore, that the purpose of this paper is to study the history, administration, and economic and social results of those laws of the state of New York which have a direct bearing upon employment in manufacturing establishments; these laws being (1) Articles V, and VI of the labor law,[1] (2) certain parts of the compulsory education law,[2] and (3) the employers' liability law.[3] There are some few other laws relating more or less indirectly to factory employment. It will therefore be necessary from time to time to go outside the limits laid down, and no apology will be offered for doing so when the occasion demands it.

The period covered by this paper includes the legislation of 1903, all of which was in force by October 1, 1903.

[1] The New York state department of labor issued in 1903 a little pamphlet entitled "Laws relating to labor to be enforced by the commissioner of labor," which contains the full text of the above articles of the labor law in convenient form.

[2] See pp. 105–106.

[3] See pp. 89–91.

PART I—HISTORICAL

CHAPTER I

LABOR LAWS AND CONDITIONS PRIOR TO 1883

New York's first factory act was passed in 1886, but three years earlier the legislature passed two laws which are of such vital importance to the movemeut in the state that the year 1883 may be more advantageously taken as the starting point in a history of New York factory legislation.

Prior to the year 1883 there had already been passed a considerable number of labor laws covering a variety of subjects, of which the most important were: regulation of apprenticeship, convict labor, the eight hour law, mechanic's lien, securing the pay of laborers on railroads, protection of seamen, and a number of laws regarding the rights and privileges of labor unions. Some of these laws, as for example the eight hour law and the laws governing apprenticeship, were practically dead letters, others were of only slight importance, and they all fall without the scope of this paper.

The work of women in factories and stores was practically unregulated so far as the laws of the state were concerned. There was a law (L. 1881, ch. 298) requiring employers of females in mercantile and manufacturing establishments to provide seats for their use, and to permit them to use the seats so far as necessary for the preservation of their health. But this law was a dead letter then and has remained so to the present day. There is no lack of evidence to show the non-enforcement of the act at the time. Employers admitted frankly that they were not complying with the

law and had generally no intention of doing so. The act made violation of its provisions a misdemeanor, but provided no penalty and created no machinery for inspection and enforcement. What little attempt was made at enforcement was done by voluntary efforts by philanthropists, and ended generally in failure. The difficulty of course was to secure evidence from the female employees affected. Plenty of complaints of violation were received by those interested, from women who worked in stores and factories where the law was violated, but when it came to appearing in court to testify against one's employer the matter took on a different face, as obviously such testimony from an employee meant her immediate discharge in every instance. In one case before a New York City court some fifty salesgirls appeared, all dressed in their best and in fine spirits, to testify in behalf of the *defense*.

This unenforced statute being the only one relating specifically to female labor, it will be seen that the employment of women was practically without regulation or safeguard from the law.

The case of child labor was not very different. There were laws forbidding the exhibition of children under sixteen years of age in theatrical and gymnastic exhibitions, and forbidding their employment in begging, collecting rags, and similar occupations. Such laws of course do not touch the real problem of child labor. A section of the penal code (L. 1881, ch. 676, sec. 289) was in force, which, interpreted with any strictness, might have been appealed to to prohibit a good deal of child labor in factories. This section reads as follows:

§ 289. A person who, having the care or custody of a minor, either

1. Willfully causes or permits the minor's life to be

endangered, or its health to be injured, or its morals to become depraved; or

2. Willfully causes or permits the minor to be placed in such a situation or to engage in such an occupation that its life is endangered, or its health is likely to be injured, or its morals likely to be impaired;

Is guilty of a misdemeanor.

It does not require any very extended study of the conditions under which young children were being employed in factories at the time, to bring one to the conclusion that a moderately rigid enforcement of this law would have driven many children out of the manufacting establishments of the state. In this connection it is interesting to note that the Ohio legislature some years later adopted this section of the New York penal code bodily and with some slight modifications enacted it, for the express purpose of thereby enabling the factory inspector to stop the employment of children in a large number of dangerous occupations. The following extract from a circular, issued to employers throughout the state by the factory inspector, will show how the law was interpreted in Ohio:[1]

"Minors under the age of 16 years shall not be employed at sewing belts, nor shall they be permitted to assist in sewing belts in any capacity whatever; nor shall any such children adjust belts to any machinery; they shall not oil or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood-shapers, wood-jointers, planers, sand-paper or wood-polishing machinery, wood-turning or boring machinery, stamping machines in sheet metal and tin-ware manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing or wash-board factories; they shall not operate or assist in operating dough brakes or cracker machinery of any description, wire or iron straightening machinery; nor shall they

[1] N. Y. fact. insp. rep. 1891, pp. 31–32.

operate or assist in operating rolling-mill machinery, punches or shears, washing, grinding or mixing mills, or calendar rolls in rubber manufacturing or laundrying machinery; such children shall not be employed in any capacity in preparing composition for matches, or dipping, dyeing or packing matches; they shall not be employed in any capacity in the manufacture of paints, colors or white lead; nor shall such children be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator; nor shall such children be employed in any capacity whatever in the manufacture of goods for immoral purposes; and no females under 16 years of age shall be employed in any capacity, where such employment compels them to remain standing constantly."

In New York, however, no such use was ever made of this section of the penal code, and apparently the first idea that its enforcement might be a good thing came from the factory inspectors in 1888. In their report for that year,[1] the section, as amended by Chapter 145 of the Laws of 1888, is printed, and attention called to the beneficial results that might follow its faithful enforcement. The same suggestion was repeated in their report for 1891,[2] but no practical result came of it, and the law has never been appealed to to stop the employment of children in factories where their lives, health, or morals were endangered.

The only other important law affecting child labor on the statute books at the time was the compulsory education law. As will be made clear in a later section, an effective compulsory education law, properly enforced, is about the best child labor law that has yet been devised.

The law in force at this time is contained in Chapter 421 of the Laws of 1874, as amended by Chapter 372

[1] N. Y. fact. insp. rep. 1888, p. 61.

[2] N. Y. fact. insp. rep. 1891, pp. 32–35.

of the Laws of 1876; it provides that all children between eight and fourteen years of age shall attend school at least fourteen weeks in each year, eight of these weeks at least to be consecutive; the employment of a child under fourteen at any business whatever during school hours is forbidden, unless the child has attended school at least fourteen weeks out of the fifty-two weeks next preceding the year of employment and presents a certificate so stating to the employer; for violation of this section a penalty of $50 is imposed on the employer. The local school officers are required to enforce the law and make the necessary inspection of all mannfacturing and other establishments where children are employed; employers are required to keep lists of all children between the ages of eight and fourteen employed by them, together with a certificate of school attendance for each child.

Provision is made in the compulsory education law and in Chapter 185 of the Laws of 1853 for truant schools in each city and incorporated village and for the detention of all habitual truants and children whose parents claim to be unable to control them.

These statutes by no means provide an ideal school attendance law. But it is very evident that a rigid enforcement of such a law would be a most serious obstacle in the way of the wholesale employment of children in factories.

As a matter of fact, this law with very rare exceptions was a dead letter throughout the state. The evidence is overwhelming. Statements and letters of school officers, testimony of those who had visited the factories, published reports of charitable organizations interested in the welfare of children, and the testimony of the children themselves, all go to show the almost

universal non-enforcement of the law, and the resulting swarm of ignorant and illiterate children of school age working in the factories of the state.

It is not our purpose to go into the evidence in detail at this point. The actual conditions and extent of child labor at this time will be described in a later chapter.

Numerous explanations were given for the non-effectiveness of the compulsory education law. Some of the foremost among these, taken mainly from statements of school officers, may be given as examples. A great many school officers call attention to defects in the law; the law is described as too general, clumsy and indefinite; they state that no provision is made for the expense involved in carrying it out, etc., etc. Another objection made was that it would be impossible to keep the unruly class of boys in school without employing an enormous force of officers and threatening the discipline of the schools, unless regular truant schools were provided, and this was said to be too expensive for many of the smaller villages. A few superintendents who were working earnestly to enforce the law were met by the indifference of the public, the occasional real need of the children's earnings for the support of the family, and the readiness of parents to make false statements as to the ages of their children. Many superintendents admitted that no efforts were being made to enforce the law, though some said they had tried and found it impossible. The facts of the case probably are that, owing to the desire of many parents for the earnings of their children and the indifference of the rest of the community, there was no strong public sentiment demanding the enforcement of the law, and the majority of school officers preferred to take the easy course and let matters go on as they were. A few places reported that the law

was quite effectively enforced, but those were places where there was no demand for child labor.

Whatever we may say as to the reasons, the fact stands out undisputed that the compulsory education law was a dead letter, so far as its effect on the labor of children in factories and elsewhere was concerned.

To sum up then the state of legislation in 1883: the labor of women in factories and elsewhere was unregulated, except for a law requiring seats for females in factories and stores, which law was a dead letter; child labor was regulated only by a few statutes of no great importance, and by a section of the penal code which was not enforced with respect to work in factories; the compulsory education law was a dead letter so far as the children who worked in factories were concerned; the employment of adult men in factories was wholly free from legislative influence, except for an unenforced and unenforceable eight-hour law. The real problem of factory legislation, the hours of labor of women and children, the prohibition of child labor under a certain age, with proper restrictions, educational and otherwise, above that age, the sanitary and moral conditions of factory employment, the safeguarding of life by guarding machinery and elevators and requiring fire escapes; these and other subjects of like nature had not been touched by the legislation of the state.

CHAPTER II

THE TENEMENT HOUSE CIGAR LAW

The importance of the tenement-house cigar law lies not so much in itself, for it was very short-lived, as in its bearing on subsequent legislation. The influence of the law and of the court decisions called out by it, in directing all later legislation regarding tenement-house work up to the present time, has been so important that its history must be traced with some attempt at completeness.

The law forbidding the manufacture of cigars and the preparation of tobacco in tenement-houses was the result of a demand from the organized cigar makers of the state, and the work of securing its enactment at Albany was done by the labor unions. The law was passed first in 1883. The movement began as far back as 1873. At the fourteenth annual session of the Cigar-Makers' International Union of America, held at Cleveland, Ohio, in September, 1881, the president, Mr. Adolph Strasser, made the following statement giving the history of the movement against tenement-house manufacture to date:[1]

"Eight years have elapsed since the system was first exposed in public meetings, and the board of health requested to recognize them as a public nuisance, dangerous to the health and morals of the occupants. The whitewashing report of the board was published in the *Workingman's Advocate*, then the official journal of the Cigar-makers' International Union. The agitation was continued, and carried to the Senate of the United States. In the month of February, 1879, the Senate Committee on Finance adopted a bill to abolish the evil.

[1] McNeill, The labor movement, pp. 592–593.

It was carried through the committee of the whole by an unanimous vote, in a division of the Senate by a vote of 27 to 4, but ultimately defeated by a vote of 35 to 25. Defeated in the Senate of the United States, the bill was introduced as a sanitary measure in the Legislature of the State of New York, during the winter of 1880. It was carried through the committee, but defeated in the committee of the whole, by a vote of 49 to 40. The bill was again introduced in the Legislature, and defeated by a vote of 45 to 45. This is a brief history of the agitation to the fall of 1881."

The fight so far was carried on by the organized cigar makers, practically unaided by other organizations. The motives actuating the leaders of the Cigar-Makers' International Union were twofold. Under the tenement-house system, the manufacturer rented a tenement-house, and then sub-let the separate apartments to cigar makers, who lived there with their families, the whole family being engaged in the manufacture of cigars from tobacco furnished by the manufacturer. The manufacturer would not give work to any one who would not come and live in his house. The manufacturer thus made a double profit: from renting his apartments, and from the manufacture of cigars. One of the leaders of the movement at this time stated to the writer that "this was a terrible menace to the entire cigar making trade. With one or two exceptions all cigar manufacturers were unscrupulous and overbearing and had the cigar makers entirely in their power. The cigar maker had to do just so, or he would find himself turned out of his home to wander penniless on the street." This statement is borne out by the fact that during the great strike of the New York City cigar makers in 1877, over one thousand families who were making cigars in their tenements were dispossessed by the sheriff. In the ap-

pendix of George McNeill's "Labor movement," (p. 591), this statement is made: that

"The tenement-house system, the curse of the trade, had assumed gigantic proportions; nearly four-fifths of the cigars made in New York City were made in tenement-houses."

There is abundant evidence to show that conditions in these tenement workshops were bad. Health was threatened by bad sanitation, moral conditions were bad, wages were low, and the evils of child and female labor, for long hours, day and night, prevailed in their worst forms. On the side of the public health the danger has probably been exaggerated, but that it was present to a considerable degree cannot be doubted. The cigar makers were of course interested in remedying these conditions, though the matter was not bronght before the public strongly enough to arouse any widespread interest in the movement. A few doctors practicing on the East Side signed statements condemning the system, and these were printed in pamphlet form by the cigar makers' union and distributed among the members of the legislature.

The second and doubtless the stronger motive was the desire of the leaders of the Cigar-makers' International Union to control the trade. The presence of this motive may be detected in the two quotations given above, and it was frankly admitted to the writer by an officer of the union who was authority for the first of these quotations. The union could control the workers in the factories, in the matters of hours, of child and female labor, and to a certain degree of wages. The tenement-house workers were far more difficult to organize and control, both on account of the difficulty of keeping watch over them in their own homes, and also

on account of the strong hold which the manufacturer, by reason of his twofold position of landlord and employer, had over the tenement-house workers. The leaders of the union at this time were firmly opposed to tenement-house manufacture, and wished to see it abolished in order to get the cigar makers into the union and give the organization control of the trade. It should be stated, however, that a large number of the tenement-house cigar makers belonged to the union at this time, the clause which refuses membership to a tenement-house worker having been placed in the constitution of the Cigar-Makers' International Union some time after this. The statement was made in 1883, in a New York newspaper, that during the great strike of 1877 the tenement-house cigar makers continued at work while the factory workers went out, and that the former were thus instrumental in breaking the strike.[1] This statement is denied by officers of the cigar makers' union. The statement seems improbable also from the fact that over one thousand families who were making cigars in tenement-houses were dispossessed because they refused to work. It was estimated in 1883 that there were less than two thousand families thus engaged in the city;[2] from which fact it would appear that the majority at least of the tenement-house workers joined the strike. Nevertheless the fact remains that the tenement-house manufacture was considered by the officers of the union as a menace to the trade and to the cigar makers' organization.

The agitation for legislation forbidding the manufacture of cigars in tenement-houses was continued after

[1] N. Y. Tribune, March 14, 1883, p. 2.

[2] N. Y. Times, Jan. 30, 1884, p. 3.

the defeat of the bill before the New York legislature in 1881. A bill was introduced the next year which also failed. On September 12, 1882, the state Labor Party held its convention in Buffalo, and in the resolutions adopted the convention demanded the abolition by the legislature of tenement-house cigar manufacture. The bill was again introduced in the legislature of 1883, and after a vigorous fight between the cigar makers' union and the manufacturers was passed on March 12, 1883. The state Labor Party at this time had secured a good deal of political power at Albany through its influence on the various local constituencies represented by members of the legislature, and this law is only one of a number of laws successfully demanded by the party about this time.

The work in the interest of the bill was nearly all done by the Cigar Makers' International Union, though they secured what assistance they could from other unions. The general public and the various philanthropic organizations took practically no interest in the matter. The Board of Health of New York City opposed the bill.[1] The union did its work along political lines, working throughout the state for the defeat of members of the legislature who were opposed, and working in the interests of those who favored the bill. The movement was led by Adolph Strasser, then a young man just rising into prominence, who had led the strike of the New York cigar makers in 1877 and been elected president of the Cigar Makers' International Union in September of the same year.

The important part of the law of 1883 is given below, as it is necessary to an understanding of the legal qnestions involved:

[1] See p. 22

LAWS OF 1883—CHAPTER 93

AN ACT to improve the public health in the city of New York by prohibiting the manufacture of cigars and preparation of tobacco in any form in the tenement-houses of said city.

. . . . . .

SECTION 1. The manufacture of cigars or preparation of tobacco in any form, in any room or apartments which, in the city of New York, are used as dwellings, for the purpose of living, sleeping or doing any household work therein, is hereby prohibited.

§ 2. No part of any section of any floor in any tenement-house in the city of New York, in which the manufacture of cigars or the preparation of tobacco is carried on, shall be used for dwelling purposes.

Following sections (secs. 3–7) define the term "any section of any floor" as meaning any number of rooms extending in a contiguous line from the street to the rear of the house; exempt the first floor of a tenement-house, which is used as a tobacco store; require the regular city sanitary inspectors to report violations to a police magistrate; provide penalties for violation, etc. Section 8 provides that the law shall take effect on October 1, 1883.

Neither party gave up the fight after the passage of the law. The union prepared to see that the law was enforced, while the manufacturers laid their plans to contest its constitutionality in the courts. The first case in which the constitutionality of the law was questioned came in the spring of 1883, before the date set for the law to take effect. One Abraham Rosenthal had, previously to the passage of the law, rented five rooms in a tenement-house belonging to one Jacob Bloom, for the purpose of making cigars. On the passage of the law making the use of the rooms for that purpose illegal, Rosenthal brought suit to have his lease de-

cleared void, on the ground that its value to him had been destroyed. Bloom demurred on the ground that the act was unconstitutional. Judge Donohue, in Special Term of the Supreme Court, in July, held that the law was constitutional and overruled the demurrer. The case was not appealed and attracted little attention, its importance being overshadowed by the later cases.

When the act went into effect on October 1, the cigar makers' union, under the leadership of Mr. Strasser, organized a corps of union detectives to discover and report violations, and a committee was in session at the union headquarters to hear reports and receive complaints. A number of violations were reported the first day, October 1, and complaints were made by the union to the Board of Health. The Board of Health, however, stated that they did not consider that they were given authority to enforce the law, since the sanitary inspectors were required to report violations to a police magistrate and not to the board. They accordingly did nothing in the matter. The Board of Health had been opposed to the bill from the beginning, and on January 29, 1883, while the bill was pending before the legislature, had passed a resolution stating that "it is the opinion of the board that the health of the tenement population is not jeopardized by the manufacture of cigars in such houses," and that this bill "is not a sanitary measure and has not the approval of this board."

A number of arrests were made, however, on complaints of members of Mr. Strasser's detective force, and the manufacturers determined to make one of them, that of David A. Paul, a test case to determine the con-

stitutionality of the law. The cigar makers also welcomed the chance to have the law tested by the courts. In the meantime the manufacturers decided to comply with the law until its constitutionality was decided, and there was very little disposition to violate or openly defy the law. The result was that the manufacture of cigars in tenement-houses ceased in New York City, and was transferred to Brooklyn and other points on Long Island. The statement was made that forty-three families were transferred to Brooklyn and Greenpoint on the first day of the enforcement of the law. Some of the tenement-house workers were transferred to factories in New York City, and a good many women and children were kept from working altogether. At the time when the law went into effect, it was estimated that there were 127 apartment houses in the city where cigars were manufactured, and that 1964 families, consisting of 7924 persons, were engaged in the industry.[1]

Coming back to the case before the courts; Paul was arrested on October 1, and the evidence produced was such as to leave no doubt that he was guilty of violating section 1 of the law, as charged. Both sides determined to make the case a test of the constitutionality of the law, and able counsel were employed. Paul's application for a writ of *habeas corpus*, on the ground of the unconstitutionality of the law, was denied by the lower courts, and the case came to the Court of Appeals, where it was argued on December 6, 1883. (94 N. Y. 497). The points made against the law were: first, that it violated the state constitution in authorizing an unwarranted interference with personal freedom and private property; second, that it violated the federal constitution by impairing the obligation of contracts;

[1] New York Times, Jan. 30, 1884, p. 3.

and third, that it was a local act and embraced more than one subject.

The court, however, based its finding solely on the point of the discrepancy between the title and the subject matter of the law. The opinion, which is by Judge Francis M. Finch, points out that the act relates to two subjects, neither of which is described by the title. The title refers to the *prohibition of the manufacture of cigars*, etc., in *tenement-houses*, which are a distinct class of houses, recognized and defined by law. But section 1 of the law makes the prohibition apply to *all dwellings*, so far as the manufacture in rooms used for living purposes is concerned. The section is therefore broader than the title of the act and violates Article 3, section 16 of the state constitution, which declares that no private or local bill "shall embrace more than one subject, and that shall be expressed in the title." This leaves section 2 which prohibits, not the *manufacture of cigars*, but the *use for dwelling purposes* of rooms in a tenement-house where the manufacture of cigars, etc., is carried on. This of course is not referred to at all in the title, and is a wholly distinct offense from that created in section 1. The constitutionality of section 2, however, was not passed on by the court, since the defendant was not charged with violating it. The court therefore found section 1 unconstitutional on account of a technical error in the title, and left the rest of the act on the statute books, while the real merits of the question remained as unsettled as before. This decision was handed down January 29, 1884.

Obviously such an outcome would not be regarded by the friends of the law as a final settlement of the matter. When the legislature met the following year, the bill, with its defective title corrected, and with cer-

tain other amendments, was reintroduced and became a law on May 12, 1884. The important sections of this law are as follows:

LAWS OF 1884—CHAPTER 272

AN ACT to improve the public health by prohibiting the manufacture of cigars and preparation of tobacco in any form, in tenement-houses in certain cases, and regulating the use of tenement-houses in certain cases.

. . . . . .

Section 1. The manufacture of cigars or preparation of tobacco in any form on any floor, or in any part of any floor in any tenement-house is hereby prohibited if such floor is by any person occupied as a home or residence for the purpose of living, sleeping, cooking or doing any household work therein.

§ 2. Any house, building or portion thereof occupied as the home or residence of more than three families, living independently of one another, and doing their cooking on the premises, is a tenement-house within the meaning of this act.

The following sections (secs. 3, 4, 5, and 7) are practically identical with sections 4–7 of the act of 1881; that is, they exempt the first floor of a tenement-house which is used as a tobacco store, require the regular city sanitary inspectors to report violations to a police magistrate, provide penalties for violation, etc. Section 6 states that the act applies only to cities having over 500,000 inhabitants; and section 8 provides that the law shall take effect immediately.

It will be noticed that the principal changes which have been made in the law are: first, the title has been corrected so as to properly describe the contents of the act; second, the term "tenement-house" is used both in the title and in the body of the act, and the exact meaning in which it is used is defined; third, section 2 of the original law, which, while not declared unconstitutional, was still left in an exceedingly precarious

condition by the court, has been stricken out so that the act now relates to only one subject, which is the one described in the title; and fourth, the law is a general law instead of a local law, as in the case of the act of 1883, although the limitation to cities of over 500,000 inhabitants restricts its application to New York City and Brooklyn.

This act was passed on May 12 and took effect immediately, and on May 14 one Peter Jacobs was arrested for violating its provisions. The course of events was much the same as in the previous case. The facts, as established, clearly showed a violation of the law. Jacobs applied for a writ of *habeas corpus*, and the case finally came before the Court of Appeals on the sole question of the constitutionality of the law. The manufacturers were once more determined to have the law declared unconstitutional, and the case was vigorously pushed by able counsel. On the side of the cigar makers, however, matters did not go so well. The union retained Senator Roscoe Conkling to defend the law, paying him a retainer of $1000. When the case came to trial, however, Conkling did not appear and the law was defended only by the district attorney, whose defense was merely perfunctory. Two statements have been made to the writer regarding Conkling's action; the first by a prominent New York City authority on labor legislation, to the effect that he merely pocketed his retainer and did nothing; the other statement was, that before the case came to trial Conkling demanded such an exorbitant fee for his services that the union was unable to pay, and he accordingly dropped the case; this statement was made by one of the union leaders in this fight. Mr. Adolph Strasser, in a letter to the writer, states that "Mr. Conkling claimed that he had a peremptory order to appear in the

Bell Telephone case at Hartford; and requested the district attorney of New York City to let the case go over. The district attorney refused to comply; claiming that he had to vacate office on January 1, 1885."

Whatever the reasons for Mr. Conkling's action may have been, the result was that the case practically went by default, and the leaders of the union have always had a feeling of bitterness over the matter.

The case was argued before the Court of Appeals on December 17, 1884. (98 N. Y. 98). The points made by counsel against the law were: first, that it authorized an interference with personal freedom and private property in violation of section 6, Article 1, of the constitution of the state; second, that it could not be justified as a proper exercise of the police power of the legislature, since it did not concern the public health; third, that it was in contravention of section 10, Article 1, of the constitution of the United States in that it impaired the obligation of contracts; two or three other points were made against the law, but they do not need to be discussed here. The judgment of the court was handed down on January 20, 1885, and pretty nearly coincides with the brief of counsel against the law. The court holds that the law, while ostensibly for the public health, does not in fact have any relation to the public health, and moreover interferes with personal liberty and destroys private property. Accordingly the law is declared to be unconstitutional.

With this unmistakable decision the cigar makers' union gave up the fight to abolish tenement-house manufacture of cigars through legislation. It is interesting to note at this point, however, that the tenement-house cigar industry, in the form in which it was so violently opposed at this time, has about disappeared from New York City. By this is meant that the sys-

tem, whereby the manufacturer occupies the threefold position of landlord, employer, and owner of the tobacco, has passed away. It is said that there are at present only two such tenement-house factories in New York City.

The importance of this decision to the history of factory legislation lies in the fact that it has given the deathblow to all attempts to fight tenement-house evils by legislative prohibition of certain kinds of tenement-house manufacture. In the face of such a sweeping decision from the highest court of the state, no one during the past twenty years has had the courage to prepare a law forbidding outright any kind of manufacture in tenement-houses, although such prohibition is believed by many to be the only effective solution of the problem of tenement-house manufacture. All the efforts which have since been made toward a solution have had to approach the problem indirectly, under cover of police protection in the interests of the public health.

It is believed by many of those who are most interested and have been most active in the work of recent factory legislation, that the time is about ripe to make another attempt along the line of the laws of 1883 and 1884. Recent judicial decisions throughout the United States seem to show a reaction against the former position, and a tendency to allow greater scope in the exercise of the police power of the state. There have been a number of decisions affirming the constitutionality of laws limiting the freedom of adults in the interest of public health. This is a new and somewhat extreme position, but those who are most interested believe that the time has come to do away with all tenement manufacture in cities of the first class, and it is said that within three or four years some attempt along this line will be made, and that it will succeed.

CHAPTER III

THE STATE BUREAU OF LABOR STATISTICS

Another important law in the movement which we are tracing is the law of 1883 which created the state bureau of labor statistics. The history of this law is bound up with the general movement for labor legislation carried on by the organized laborers of the state, and leading up to the enactment of the first factory act and other important laws in 1886. The account of this movement will therefore be deferred to the discussion of the factory act of 1886, and only a very brief account of the events relating especially to the bureau of labor statistics will be given at this point.

The organized laborers of the state were agitating for a bureau of labor statistics, along with a number of other demands, as early as 1864. But this was not their chief issue, and the labor organizations were not very powerful in politics for some dozen years following that date. About 1877 the laborers' organization, known as the Workingmen's Assembly, began to wield some real political power, and from that time an energetic fight was carried on throughout the state to secure certain definite pieces of legislation, one of them being the creation of a bureau of labor statistics. The state Labor Party, at its convention held in Buffalo, September 12, 1882, made this one of its demands. The movement was wholly the work of the organized laborers of the state. Their idea was to have an official bureau which should furnish the laborers with data as a basis for their appeals to the public in behalf of the various legislative measures which they wished to put through. The bill was passed without much serious opposition on May 4, 1883, being Chapter 356 of the Laws of 1883. It created

the office of commissioner of labor statistics, to be filled by appointment by the governor. The duties of the office are to collect and present annually to the legislature statistics "relating to all departments of labor in the state, especially in relation to the commercial, industrial, social, and sanitary conditions of workmen, and to the productive industries of the state." The commissioner is given power to summon witnesses and examine them under oath. The law was weak in that it gave the commissioner no authority to enter factories and other premises against the owner's will, nor power to require answers to questions, either written or oral. After being urged each year by the commissioner, the legislature finally supplied these deficiencies in 1886, by passing an act giving the commissioner power to enter premises and compel truthful answers to questions, and providing penalties for refusal to admit the commissioner to any premises or to answer truthfully any question asked by him.

The securing of this piece of legislation was regarded as a real triumph by the workingmen's organization. The actual working of the bureau, however, has been a disappointment. The first commissioner was Charles F. Peck, a friend of lieutenant-governor Hill and not a laboring man at all. It had been expected by the Workingmen's Assembly that the office would go to some labor representative, and a number of names were presented to the governor with the request that the new commissioner be appointed from the list. Prominent among the candidates put forward was George Blair, who was president of the political branch of the Workingmen's Assembly, and had directed the fight in behalf of the bill creating the bureau. But the real reason for regarding the work of the bureau

as a failure is the fact that the information published each year is practically unread except by students. The manufacturers, laboring men, business men, and the general public rarely read the reports of the commissioner of labor statistics, and it was just these classes that the organization wished particularly to reach. Without attempting to go into any criticism of the work of the bureau, it may be said that this result seems inevitable, owing both to the subjects selected for investigation, and to the method of presentation in the annual reports, which usually give voluminous tables of statistics, but with so little attempt at careful analysis and summary as to make the figures practically unintelligible except to the student.[1] The busy man is not going to wade through hundreds of pages of figures to see whether or not they support certain claims made by organized labor, no matter how favorably he may be inclined to these claims on general grounds. Another point of weakness in the work of the bureau is its extremely partisan character. It has been devoted almost exclusively to the interests of *organized* labor. The statistical matter presented relates only to organized labor, and so does not truthfully represent the condition of all the laborers of the state, while the whole discussion and treatment is from this *ex parte* standpoint. The organized laborers probably do not consider this a weakness, but there can be no doubt that this fact has had something to do with the lack of general interest in the reports of the bureau and the lack of respect for them which have been so disappointing to the men who worked for its creation.

The bureau does, however, furnish a certain official mouthpiece for the organized labor of the state, and

[1] Recent reports have shown great improvement in this respect.

during the first few years of its existence, before the establishment of the factory inspector's office, it furnishes some valuable material bearing upon the movement for factory legislation. The first report, covering the year 1883, was brief and of an introductory nature; the only subject investigated was that of the system of contract labor in use in the penal institutions of the state, against which the workingmen's party had been waging a long and bitter fight, which lasted till 1886. The bulk of the second report, that for the year 1884, is devoted to an investigation of child labor in the state, a subject which was taken up at the request of the Trades Assembly of the state as expressed in a resolution adopted at their annual meeting held in Albany in January, 1884. The subject of child labor is apt to be a popular one with state labor bureaus and with organized labor in general. The result of this investigation was of material assistance in the fight for a child labor law which led to the factory act of 1886, and the facts gathered furnish some valuable evidence regarding conditions at the time, which will be made use of in later pages of this paper. One chapter of the report of 1885 is devoted to working women, and gives facts regarding their wages and the conditions under which they work and live. While not so valuable as the investigation of child labor made during the previous year, there is still much useful material in this chapter. The rest of the report deals with matters affecting the interests of organized labor, but having no special bearing on factory legislation. The next two or three reports contain very little information relating to our subject, and after 1886, when the first report of the factory inspector appeared, the bureau of labor statistics ceases to furnish more than an occasional piece of indirect testimony.

CHAPTER IV

THE FIRST FACTORY ACT

The movement for factory legislation in New York has come, in the main, from two sources: first, the organized laborers of the state, and secondly, a number of charitable and philanthropic organizations located for the most part in New York City, and devoted to the interests of children and women. Throughout the period embraced in this history the trade unionists of the state have had a central organization, known as the Workingmen's Assembly, or the Trades Assembly, of the state of New York. Its purpose has been to voice the political demands of the organized laborers of the state, and to concentrate their political power in order to influence legislation at Albany. Through this body the organized laborers have worked for factory legislation.

Numerous charitable organizations have from time to time taken up the subject of factory legislation in the interest of women and children, the most important ones being the Children's Aid Society, the New York Society for the Prevention of Cruelty to Children, the New York State Medical Society, the Working-Women's Association, and the Consumers' League. Of late years influential work has been done by the numerous settlements in New York City.

The labor unions were first in the field, and had been at work trying to secure some kind of child labor law for several years before the matter was taken up by others. Their early work, however, was not very effective, both on account of the weakness of their or-

ganization and also because they were at the same time demanding the enactment of several other laws which they considered of greater importance than child labor legislation. Nevertheless, this early work counted for something, and when the other interests took up the movement in later years they found the way paved for them in advance.

The laborers have generally lacked the intelligence, and the means to employ legal talent, necessary to draw up good bills. This deficiency has frequently been supplied by the other party, which has drafted the carefully worded bills, which were then supported by the laborers' organization. On the other hand, the real political power necessary to force the bills through the legislature has very often come from the political organization of the laborers.

The general public has probably not realized the important part played by the trade unions in securing the New York factory law, partly on account of the fact, already mentioned, that the other organizations have come in often after the hard initial work of the movement had been done, and have then drafted the bills and led in the finish of the fight; partly also on account of a difference in the methods of work pursued by the labor organizations on the one side and the philanthropists and reformers on the other. The work of the latter is a public work; it is supported by the press, either actively or at least to the extent of publishing its appeals and reporting its meetings; the influence which the reformer tries to bring to bear upon the legislature is the force of an aroused public sentiment. The public cannot help being aware of such a movement, and when the bill is passed people naturally give the credit to those who have been in the public eye.

The labor unions, on the other hand, work more quietly. The press devotes little attention to them, and often refuses to print their matter when requested to do so. They work among their own members and among the politicians rather than with the general public. The influence they wield at Albany is a political influence. It is a matter of votes. If a member of the legislature can be shown that the organized laborers have the power to defeat him in his district, he will listen to their demands; and when the party leaders find that this is the case in a good many districts, they begin to pay some attention to the laboring men's proposals for legislation. This is an effective kind of work, but it does not attract the notice of the public as the other method does.

What has been said in this chapter thus far must be understood, of course, only as a general characterization of the movement for factory legislation; there are numerous exceptions. Some measures are of interest to the laborers alone and have been secured by their efforts unaided. Other measures are advocated vigorously by philanthropic agencies, which command at best only a lukewarm support from organized labor. Statutes designed in the interest of the adult workers are apt to be the work of the laborers themselves. Where the proposed measure is for the sake of women and children, both forces join hands, the laborers, however, often taking the subordinate place. Of late years the work of the trade unionists has been growing of relatively less importance, and the important child labor laws of 1903 were secured by philanthropic agencies practically unaided by organized labor. Both parties have, however, almost always worked in harmony, and while measures advocated by one party have sometimes re-

ceived only nominal support from the other, there have been no important cases in which they have antagonized each other.

With this general introduction, we come to the more detailed account of the movement which led to the first factory act in 1886.

As early as 1864 the organized laborers of New York were agitating for an eight-hour law, the repeal of the conspiracy law, the abolition of contract labor in prisons, the establishment of a bureau of labor statistics, and the prohibition of child labor. The movement was mainly confined to New York City. The two leading issues for a number of years were the eight-hour law and the repeal of the conspiracy law. On account of the war, labor was scarce and wages high, and the labor organizations of the time were concerned less with bettering their industrial condition, and more with politics. The evils of child and female labor were present and more or less recognized, but this matter was not made an issue of any importance till 1869. In that year the subject of child and female labor was taken up in the convention of the laboring men of the state. The *New York Tribune* for October 6, 1869, has an editorial strongly favoring legislation along this line; attention is called to the factory legislation of England and to the law of Massachusetts, which forbade labor of children under ten years of age and applied educational restrictions to those between ten and fifteen.

The laboring men's convention of 1869 drafted a bill, which was presented to the legislature and for six years failed to receive even the consideration of the committee.

In the meantime, the question of child labor had been taken up by the Children's Aid Society of New York City. Mr. Charles E. Whitehead, a member of the

Board of Trustees, was especially interested, and in 1871 drafted a bill in the interests of factory children. This bill was presented to the legislature at Albany, and for four years was vigorously pushed by Mr. Whitehead and the Children's Aid Society together with a number of influential citizens of New York City, but without success owing to the strong opposition from manufacturers and merchants. The *New York Times*, in an editorial on January 26, 1873, warmly supports the bill. The main features of this bill were as follows: first, the prohibition of the labor of children under ten years of age in factories, and of all under twelve who were unable to read intelligently, a penalty of five dollars per day being imposed on the employer who violated this section; second, limitation of the hours of labor of children under sixteen to sixty per week; third, prohibition of the labor of children under sixteen who had not attended school for three months, or a half day or a night school for six months; a certificate of school attendance must be presented to the employer; the penalty for violation of this section was fifty dollars. Certain exceptions were allowed in favor of poor families who were dependent on the earnings of their children. Following sections secured certain sanitary regulations, and provided for the appointment of an "inspector of factory children" to enforce the law.

For three years this bill failed to receive favorable consideration. In 1874, however, the Children's Aid Society joined forces with those who were working at that time to secure the passage of a compulsory school law, the result being the successful passage of the education bill, including a section (section 2) which made it illegal for any person to employ a child under the age of fourteen years in any business whatever during

school hours, unless the child had attended a school where the common branches were taught during at least fourteen weeks of the year next preceding each and every year of employment. At the time of entering employment the child was required to deliver to the employer a certificate from the proper school officer certifying that the requirement of school attendance had been complied with. Section 3 of the same law placed the enforcement in the hands of the local school officers, who were required to visit twice a year, in September and February, all factories where children were employed, and report violations of the law to the treasurer or chief fiscal officer of the place. Manufacturers were required to keep a list of all children employed by them between the ages of eight and fourteen years, together with their certificates of school attendance. This law is Chapter 421 of the Laws of 1874. This partial success ended the efforts of the Children's Aid Society in behalf of a factory law regulating the labor of children.

The evidence shows that from this time on the child labor evil was growing in the factories in the state, and that it was slowly forcing itself upon the attention of those people who were especially interested in philanthropic work among children. At the annual meeting of the Children's Aid Society of New York City, held November 23, 1880, the secretary reported:

"The great hindrance to our labors last year, as for so many years, have been the effects of the tenement-house overcrowding on the youth of the city and the lack of execution of the compulsory law. To this is added now the steady swallowing up by the factories of the children of the city."

McNeil, in "The labor movement," reports a some-

what amusing instance of agitation by the children in their own behalf.[1] In the year 1880, he says:

"The strike fever spread among the boys, and at Cohoes, N. Y., two hundred boys employed in the cotton-mills struck, many of them being under twelve years of age. They had banners inscribed 'United we stand, divided we fall,' 'Good news from Fall River,' 'Ours is a hard fate—all work and no time to play in God's sunshine,' 'Pity us poor children who have to work,' etc."

It is a little hard to decide whether to call this incident amusing or pathetic.

The laboring men's organization, which went under the name of the Workingmen's Assembly, was young and weak when it made its first attempt to enact a child labor law. The Workingmen's Assembly was organized in 1865, growing out of a successful legislative campaign against the Hastings strike bill in the legislature of 1864. This was the first time that the various local trade unions had come together in anything like a state organization for a common purpose. The aim of the Workingmen's Assembly was to unite the organized laborers of the state for the purpose of exercising their collective political influence upon legislation at Albany. The organization kept growing in strength, and about 1877 the laboring men began to realize that they had some political power. The following year a body was organized known as the Political Branch of the Workingmen's Assembly of the State of New York. The president was George Blair of New York City, who had been a prominent leader in the political work of the laboring men since the Civil War. This body set to work in earnest to secure the legislation it desired, and a definite political program was put into execution.

[1] McNeil, The labor movement, p. 116.

The fight was made on four main issues, namely: the abolition of contract labor in prisons, the establishment of a board of arbitration, the establishment of a bureau of labor statistics, and the abolition of child labor. Closely connected with the latter was the question of female labor, but that held a subordinate position during the movement.

Reference has already been made to the general way in which the laboring men have gone to work to secure their legislative demands. The work was done along political lines, and was directed with a view to influencing the election of members to the legislature and to securing their votes on labor measures when elected. The workingmen did not start an independent political "labor party" and try to elect their own party representatives to the legislature. What they did was to pick out those members of the legislature who were most hostile to their demands and to concentrate the fight in their districts. In like manner, when a member had shown himself favorable to the workingmen, they would organize to assist him in his campaign for reëlection in his own district. Every year the labor organizations held a state convention, at which the "record" of each member of the legislature was carefully scrutinized, and the decision made whether to support him or not. Appeals would then be made to the workingmen and others in the several districts to vote for the members who had helped them and against those who had opposed them. Wherever possible, candidates were made to give pledges before election to support the measures desired by the workingmen's organization, and a record of these pledges was kept and compared with the action of the candidates when elected to the legislature.

During the session of the legislature the Workingmen's Assembly was no less active. It was represented at Albany through its legislative committee, which did all in its power, through the ordinary lobbying methods, to secure the passage of the bills which had been decided upon as the legislative program at the last annual convention of the Workingmen's Assembly. The legislative committee also kept track of the attitude of the individual members of the legislature on each measure in which the laboring men were interested, and issued bulletins reporting the progress of their bills and telling how the individual members had voted on them. At the annual convention the committee reported on the work of the last legislature, and presented the "records" of the members on all bills in which the Assembly was interested.

As the laboring men's organization grew in strength this work began to tell, and candidates for the legislature in certain districts began to find that they must take account of the vote controlled by the workingmen. In 1880 twenty men were sent to the legislature who had given pledges to support the demands of the labor party. The Workingmen's Assembly thus came to be recognized as a force in state politics; their friendship was courted by Republicans and Democrats and, to a certain degree, they came to hold the balance of power. When this point was reached they began to gain the ear of party leaders, and the labor bills began to be enacted.

The motives which have actuated organized laborers in their fight against child labor and for the restriction of the labor of women and minors are of course not wholly, nor mainly, disinterested. The laboring man, as a man, has about the same altruistic interest in all

that tends to the welfare of children and women as any other member of society, no more and no less. He is moved, just as any one else is, by the thought of little children being deprived of their fair chance in life through long hours of labor at a tender age; he sympathizes with the suffering and hardship undergone by the female employees in factories and stores. But there is no reason to believe that these things appeal to him any more strongly than to the average citizen. The motives which have made the laboring man a peculiarly zealous advocate of factory legislation in the interests of women and children are selfish ones. Summed up in a single sentence, his idea is to have the labor of children and women prohibited or restricted in order that there may be more work and better pay for himself. He sees, or thinks he sees, that the factories are being filled up with children who, with the aid of more and more perfect machinery, are doing the work that formerly required the strength and skill of the adult worker. In the same way women are believed to be displacing men. In the meantime, the man finds it harder and harder to get work. A sort of "wage fund theory," or more exactly a "work fund theory," is very generally found underlying the arguments of the workingmen on this subject. It is sometimes put as naively as this: There is a certain amount of work to be done; the entrance of women and children into the field of labor at a lower wage must force out just so much adult male labor or drive the men to ruinous competition with women and children and with each other.

The workingman is interested, not only in the absolute prohibition of child labor under a certain age, but also in all the restrictions, educational, sanitary, etc., which may be placed upon the labor of minors and

women. If women are forbidden to work more than sixty hours a week, the employer who wants his plant to run sixty-six hours must employ men. If expensive sanitary arrangements and toilet facilities are required in places where women are employed, the manufacturer who hires only a few women can better afford to replace them with men. If the labor of minors is surrounded with numerous troublesome requirements of school certificates, registers, evidence of age, posting of notices of hours of labor, etc., employers will save themselves annoyance by refusing to hire any one below the specified age. All this is not the mere speculation of the laboring man. It has been verified by actual experience under the factory law. The workingman therefore advocates legislation that will prevent his work being taken away from him by women and children.

In England the movement for the restriction of the hours of labor of women and children was favored by the workingmen in the hope that their own hours of labor would be shortened thereby. This motive may possibly have been in the minds of the New York workingmen, but it has been relatively unimportant, if it has existed at all. This result would be brought about, of course, only in those establishments in which the work of men was dependent on that of women or children, so that when the latter stopped work the factory would have to shut down. There are not many trades interlocked in this way, which are organized. A good example of an establishment in which adult and male labor is dependent on child and female labor is the department store. But the workers in the department store are rarely organized. Again, even in factories where the different classes of labor are interdependent, it has not been found difficult to arrange a system of

relays by which the plant can be kept running any length of time without working any individual employee more than the legal number of hours.

It must not be supposed that during this movement of the organized laborers of the state the question of child labor was by any means the leading issue. The matter of child labor was more or less of a local problem. Utica, Syracuse, Cohoes, Troy, and other cities in the Mohawk and upper Hudson valleys employed a great many children. Outside of these places, and New York and Brooklyn, there was no very great interest in child labor. And in New York and Brooklyn the employment of children was not so important relatively among labor problems as in the smaller cities. On the other hand, the demand for the revision of the system of labor in prisons, and the establishment of a board of arbitration and mediation for labor disputes, together with the demand for a bureau of labor statistics, were issues in which the laboring men of the whole state were interested.

As a matter of fact, although the abolition of child labor was demanded from year to year by the Workingmen's Assembly of the state, no really intelligent and effective work along that particular line was done until the matter was taken up in 1882, by the New York Society for the Prevention of Cruelty to Children and the New York State Medical Society. In this year a bill was drawn up by President Gerry of the former society, and Dr. Abraham Jacobi, President of the state Medical Society. The main provisions of this bill were as follows: First, the employment of any child under the age of fourteen in any factory was forbidden, unless the child had been first examined by a physician who should certify in writing that the child was free from

certain specified diseases and was in proper physical condition for factory work; second, no child over the age of fourteen years was to be employed by any manufacturing corporation for more than ten hours a day, or in mining, glass work, rag sorting, employment on mercury, lead, arsenic, iron or brick works, or in any match factory; third, no such child was to be employed in the manufacture of cigars or preparation of tobacco in any apartments used for living purposes in cities, nor in any occupation involving the use of dangerous machinery; fourth, the violation of the act was made a misdemeanor. This bill was introduced in the Senate and advocated by both societies. It passed the Senate, apparently without serious opposition, and it seems probable that it would have passed the Assembly except that the session closed before it was reached.

In 1883 the effort was renewed by the Society for the Prevention of Cruelty to Children. Several bills were introduced in the legislature that year. It will not be necessary to describe these bills in detail. The main provisions involved were: the prohibition of labor of children under fourteen years of age in factories: the restriction of the hours of labor of children under sixteen and of women to ten hours a day; the requirement of a certain amount of school attendance for children employed between the ages of fourteen and sixteen; and the appointment of a factory inspector to enforce the act. As in the previous year, the State Medical Society and the Society for the Prevention of Cruelty to Children worked together for the passage of one or more of these bills. By this year, however, the factory interests of the state, which would seem to have been caught napping on the previous year, had become aroused, and all the factory bills were opposed earnestly

and bitterly. It was claimed that the manufacturing industries of the state would be utterly unable to go on without the work of children, since adult labor could not be obtained at profitable wages. Another argument put forward was that many families were dependent upon the earnings of small children. All of the bills were defeated.

During these two years there had not been much cooperation between the philanthropic societies interested and the Workingmen's Assembly of the state, in behalf of factory laws. In 1884, however, the Workingmen's Assembly, which had been steadily gaining in political power at Albany, joined forces with the Society for the Prevention of Cruelty to Children. A number of factory bills were before the legislature in that year, the leading one being drafted by Mr. Gerry, and being cordially supported by the Workingmen's Assembly. This bill prohibited the labor of children under fourteen years of age in any manufacturing establishment; every child between the ages of fourteen and eighteen had to be provided with an affidavit from its parent or guardian stating age and place of birth; no child under the age of eighteen was to be employed without a physician's certificate stating that it was free from certain specified diseases and in proper physical condition to do the work contemplated; no child under sixteen was to be employed at dangerous machinery or in certain specified dangerous occupations,[1] or in any place not properly lighted and ventilated; no minor under the age of twenty-one was to be employed for more than ten hours a day or sixty hours a week, or between the hours of twelve noon and one in the afternoon; the enforce-

[1] See list of occupations in the bill of 1882, p. 40.

ment of the act was put in the hands of a factory inspector and two assistants to be appointed by the state board of health; and officers of "any duly incorporated society for the prevention of cruelty to children" were also authorized to enter and inspect the premises where children were employed.

A number of other bills were introduced by the manufacturing interests, who worked to have them substituted for the bill favored by the Society and the Workingmen's Assembly. These bills were either so framed as to be unenforceable and wholly harmless, or contained provisions which would render them unconstitutional. Mr. Gerry's bill passed the Senate successfully, but on its final passage in the Assembly it was denounced as too radical, and another bill substituted and passed by a vote of 81 to 21. This substituted bill provided that no minor under eighteen years of age, and no woman under twenty-one, should be employed in a manufacturing establishment for more than sixty hours a week, unless for the purpose of making necessary repairs; the labor of children under thirteen years of age in factories was forbidden; the violation of the act was made punishable by fine, but was not made a misdemeanor; provision was made for the appointment of a factory inspector to enforce the act, reporting to the bureau of labor statistics. The substitution of this bill for the one drafted by Mr. Gerry brought about a clash between the Society for the Prevention of Cruelty to Children and the Workingmen's Assembly. The Society claimed that the substituted bill was utterly worthless and, while declining to oppose it, refused to have anything further to do with the matter. The leaders of the Workingmen's Assembly, however, believed that the bill was the best that could

be passed at that session and while not satisfactory was still better than nothing. They accordingly urged the passage of the bill, hoping to be able to strengthen it in coming years. This substituted bill, however, was killed in the Senate. Other factory bills introduced in the session of 1884 met the same fate.

Again in 1885 bills were introduced by the Society for the Prevention of Cruelty to Children and the Workingmen's Assembly working in co-operation. The bills were similar to those introduced the year before, and again failed to receive favorable consideration.

During the years from 1882 to 1885 the movement for some sort of law regulating the employment of children in factories was steadily growing in strength. The political power of the Workingmen's Assembly was growing year by year, and co-operation between the laboring men and the philanthropic organizations interested was becoming closer and more intelligent. In December, 1885, Governor Hill wrote to Mr. Gerry asking for his views on the question of child labor legistion, in order that he might embody them in his message to the legislature. His message, when presented, strongly urged the necessity of some regulation of child labor in factories.

The movement received material assistance from the work of the bureau of labor statistics in 1884. During that year the whole time of the bureau was devoted to an investigation of the subject of child labor in the state. This was the second year of the existence of the bureau, and in view of the limited means at the disposal of the commissioner and the limited authority given him by the legislature, this study of child labor is an excellent piece of work. Much valuable testimony was gathered showing the prevalence and evil

effects of the employment of young children in the factories of the state; and this testimony, together with the conclusions of the commissioner, was made public in the report for 1884, issued in January, 1885.[1] This work must be placed to the credit of the organized laborers of the state, since the bureau of labor statistics was to a certain degree their official mouthpiece and this particular investigation was undertaken in response to a resolution of the state Trades Assembly passed at its annual meeting in January, 1884.

In 1886 substantially the same bill which had been drafted by Mr. Gerry and pushed by the Society for the Prevention of Cruelty to Children and the Workingmen's Assembly in 1884 and 1885 was again introduced, and after long discussion and debate the legislature finally passed a bill embodying the main demands of the Society and the laboring men. The law was passed in May, 1886, being Chapter 409 of the Laws of 1886. The law as passed differed in many important respects from the bill first advocated, a number of points being yielded to its opponents. The age limit for the employment of children was lowered from fourteen to thirteen years; the requirement of affidavits, records, etc., was made to apply to children between thirteen and sixteen years of age, instead of to those between fourteen and eighteen as in the original bill; the restriction of hours of labor of minors to ten hours a day was cut out of the original bill, and the law merely restricts their hours to sixty a week, with the further condition that this restriction shall not interfere with the making of necessary repairs. The bill as originally drafted and introduced provided for a physician's certificate for children

[1] The evidence of this report is discussed in the chapter on child labor, see chap. IX.

under the age of eighteen years, and forbade the employment of children under sixteen in the use of dangerous machinery or in certain dangerous occupations, or in any place not properly lighted or ventilated or furnished with proper fire escapes. These provisions were all cut out before the final passage of the law. The clause giving authority to the Society for the Prevention of Cruelty to Children to assist in the enforcement of the law was stricken out, at the request of Mr. Gerry and the Society.

Throughout the agitation for a factory law, all efforts had been vigorously opposed by the manufacturers of the state, who were represented by strong lobbies at Albany whenever factory bills were before the legislative committees. They argued that profits would be cut down, business ruined, and industries driven out of the state. They threatened personally to take their own factories out of the state if the bills were passed, and it was this argument more than any other which proved fatal from year to year. The other argument, namely, that hundreds of poor families were dependent on the earnings of young children, was probably not urged wholly in good faith.

The enactment of the factory law of 1886 marks the beginning of real factory legislation. Nearly all subsequent legislation has been in the form of amendments to this first law. On account of its importance as being the first act on the subject, and in order to make clear the course of legislation in the following years, the full text of the law is given in the Appendix.[1]

The main points of the law may be here summarized, as follows:

[1] See Appendix.

Section 1. No minor under eighteen years of age and no woman under twenty-one to be employed in a factory for more than sixty hours per week, unless for the purpose of making necessary repairs.

Section 2. The employment of children under thirteen years of age in factories is forbidden. Register of names of all children under sixteen to be kept. Certificate stating age and birthplace of every child under sixteen, verified by parent or guardian, or by the child itself, to be filed. Register and certificates to be kept by employer, and produced when demanded by proper inspector.

Section 3. Notice of daily hours of labor to be posted in every room where women under twenty-one or minors under eighteen are employed. List of names and ages of children under sixteen to be posted where they are employed.

Section 4. Penalty for violation of act: a fine of from fifty to one hundred dollars, or, in default of payment, from thirty to ninety days' imprisonment.

Section 5. Act not to apply to establishments employing less than five persons, except in cities.

Section 6. A factory inspector and assistant to be appointed by the governor, with power to visit and inspect all factories, who shall report annnally to the bureau of labor statistics, and shall enforce this act.

Section 7. Provision for expenses of factory inspector and assistant, not to exceed $2500 in any year.

Section 8. Inconsistent acts repealed.

Section 9. Act to take effect on July 4, 1886.

CHAPTER V

THE EVOLUTION OF THE FACTORY LAW
1887–1902

Introductory.—The movement for factory legislation has been traced up to the passage of the first factory act in 1886. The factory law as it stands on the statute books to-day has developed by a process of evolution from this first law. The legislation from 1886 to 1897 took the form of a series of amendments to Chapter 409 of the Laws of 1886. In 1897 the whole body of labor laws was consolidated into a single chapter known as the labor law, of which Article VI contains most of the factory laws. Legislation since then has been enacted as amending that article. Throughout the eighteen years from 1886 to the present time, the factory law has been amended on the average about every other year. It is the object of this chapter to trace the history of the present factory law as it has grown up by means of these successive amendments. Many of the amendments, of course, have been of relatively slight importance, and it will be unnesessary to spend much time on those that involve only technicalities and matters of administrative detail.

The Act of 1887.—The law of 1886, being the first experiment of the state in the field of factory legislation, and being moreover the result of a compromise between opposing forces, was by no means perfect, and the first year of its administration developed defects and numerous omissions, and led to the recommendation of various changes in the report of the factory inspector for that year. The law was accordingly amended by the next

legislature, in Chapter 462 of the Laws of 1887. Except for slight changes in detail and wording of section 2, the law of 1886 was left untouched, the amendment consisting in the addition of new regulations of which the following is a summary:

Section 8. Hoist shafts and well holes in factories to be guarded, and elevators furnished with trap or automatic doors. Sec. 9. Hand rails on all stairways; rubber covering on steps, where ordered by the factory inspector; stairs screened at sides and bottom; doors to open outwardly where practicable, and not to be locked during working hours. Sec. 10. Fire escapes required on outside of all factories three or more stories in height. Sec. 11. Automatic belt shifters to be provided where required by the factory inspector. No woman under twenty-one years of age and no boy under eighteen to be allowed to clean machinery while in motion. All gearing and belting to be properly guarded. Sec. 12. All accidents to be reported in writing to the factory inspector, within forty-eight hours, stating cause and extent of injury, and place where injured person has been sent. Sec. 13. Proper wash rooms and water-closets to be provided for female employees, separated from those used by males, and properly screened and ventilated and kept clean. Sec. 14. At least forty-five minutes to be allowed for the noonday meal in all factories, except where a permit for shorter time is granted by the factory inspector. Sec. 15. Eight deputy factory inspectors to be appointed by the factory inspector. The succeeding sections (sections 16–22) relate to details of administration which need not be described here. Sec. 21 requires that a copy of the law be posted in every work room where persons affected by its provisions are employed.

These additions were all made in response to recommendations of the factory inspector in his first report. The bill was pushed by the Workingmen's Assembly and the Society for the Prevention of Cruelty to Children and opposed by the manufacturing interests in about the same way as has been described in connection with the law of 1886.

An important difference will be noticed between the act of 1886 and that of 1887. The former related solely to the employment of minors, or to be more exact, to males under eighteen and females under twenty-one years of age, and did not apply to factories in which only adults were employed. But the law of 1887 advances the principle of affording legal protection also to adult workers. The hours of labor of adults are not limited except by the requirement of forty-five minutes for the noon meal; but the sections affording protection to life and limb by requiring the guarding of elevators, stairs, and machinery, providing fire escapes, and reporting accidents apply to all factories and all employees regardless of sex and age.

The most important addition to the law is the section requiring separate toilet facilities, properly screened and kept in good condition, for female employees. A state of affairs had existed for years in many of the factories of the state which called urgently for remedy. The use of the same water-closets, sometimes screened, sometimes not, by men and women, boys and girls, was a common practice in factories. It is not necessary at this point to produce the evidence, or to describe the deplorable state of immorality which was the natural result in a great many of the factories where women were employed.

The age limit below which it was illegal to employ

children was put at thirteen in the law of 1886, although the demand was for a fourteen year limit. The bill introduced in 1887 raised the limit to fourteen years, but this amendment was stricken out during the progress of the bill through the legislature. Another amendment demanded by the factory inspector and introduced in the bill was to make the act apply also to the employment of women and children in mercantile establishments. This amendment likewise failed to pass, and it was not till nine years later that the legislature was finally persuaded to grant the same protection to women and children in stores as they had been receiving in factories.

The Act of 1889.—Two years later the factory law was again amended and important changes were made. The act is Chapter 560 of the Laws of 1889. By this act the hours of labor of women under twenty-one and boys under eighteen years of age were restricted to ten hours a day, in addition to the previous limitation of sixty hours a week. This weakness of the original law was evident before it had been in force a year, and the amendment was urged by the factory inspector from the first. Under the original law, while the week's labor was limited to sixty hours, there was no limit to the number of hours of labor in any single day. Consequently, whenever a legal holiday occurred, or for any other cause work was suspended for a day or two, it was common for manufacturers to make up the full week's time by requiring extra work on other days. Or if for any reason a manufacturer desired to keep his plant rnnning extra time on some day, he could keep his hands working for any number of hours, twenty-four in succession if he wished, and keep within the law by merely subtracting the necessary number of hours from

some other day or days before the close of the week. Dozens of complaints of excessively long hours came to the factory inspectors, but so long as the labor for the whole week did not exceed sixty hours they were powerless to interfere. The amendment of 1889 limited the day's labor to ten hours, except that over-time was allowed on the first days of the week in order to make a shorter workday on Saturday. The work of females under twenty-one and of males under eighteen was further restricted by prohibiting their employment after nine o'clock in the evening and before six in the morning, thus putting a stop to night work. This change, also, had been recommended for two years by the factory inspector. Section 13, relating to water-closets used by women, was amended so as to require that *all* closets, including those used by men, be properly ventilated and kept in a clean condition.

Several important alterations were made by the act of 1889 in the sections relating to the employment of children under sixteen years of age. In the first place, the age limit for child labor was raised to fourteen years, thus satisfying a very general demand. An educational test for children under sixteen was applied for the first time in this act, which provides that no child under sixteen years of age, who cannot read and write simple sentences in English, shall be employed in a factory except during the school vacation. It should be borne in mind that the compulsory education law was still a dead letter throughout practically the entire state. Another provision demanded by the inspectors from the first, and enacted in this act, was one giving them power to require a physician's certificate where children appeared physically unfit to perform the labor required of them.

The act of 1889 corrects a deficiency in the original act, by supplying an exact definition of a factory, or "manufacturing establishment," within the meaning of the law, as "any place where goods or products are manufactured, repaired, cleaned or sorted, in whole or in part;" establishments where less than five persons are employed are excepted, unless situated in cities.

Important changes are made in the section regarding fire escapes. This matter of fire escapes has been one of the most troublesome parts of the law to enforce, especially during the early years. The first law on the subject (L. 1887, ch. 462, sec. 10) was brief and indefinite, reading as follows:

Sec. 10. Fire escapes shall be provided on the outside of all factories, three or more stories in height, connecting with each floor above the first, well fastened and secured and of sufficient strength. Stationary stairs or ladders shall be provided on the inside, from the upper story to the roof, as a means of escape in case of fire.

This law was the first general law regarding fire escapes on any kind of buildings in the state. The factory inspector, in his report for 1887,[1] says:

"Outside of the three largest cities, practically no attempt was ever made in this state to provide proper means of escape from burning buildings, until the last Legislature passed a law requiring that ropes, sufficiently long to reach to the ground, be fastened in each bed room of all hotels (with the enforcement of which we have nothing to do), and the section at the head of this chapter was added to the factory laws about the same date.[2] Various places had local ordinances on the subject, but they were never enforced."

Needless to say, when the new section of the factory law went into effect, numerous manufacturers sought to

[1] N. Y. fact. insp. rep. 1887, p. 35.

[2] Reference is to section 10 of the law, quoted above.

evade the law, and various ingenious devices were constructed with the idea of just escaping the law, with the least possible outlay. A very common form of escape consisted merely of a straight ladder extending from the ground to the roof opposite the windows, but without balconies or connections of any kind with the windows; an affair which would of course be practically useless to save a building full of women and children, in case of a fire. Another contrivance, quite commonly used, was "made of gas-pipe, bent and driven into the wall, that would require a trapeze performer to descend," to use the words of one of the deputy inspectors.[2] The factory inspector held that the words of the statute, "connecting with each floor," meant that balconies should be constructed, and ordered accordingly. Certain manufacturers in Rochester employed counsel, and at his advice refused to erect anything more than the straight ladders, with nothing to stand on at any floor except the round of the ladder. This was in 1887. The next legislature was vigorously urged by the factory inspector to amend the law so as to make it possible to compel the erection of safe and serviceable escapes. A bill was introduced embodying such provisions, but was killed in committee. After the legislature adjourned an attempt was made to test the meaning of the law as it stood by prosecuting the Rochester manufacturers referred to above. Warrants for their arrest were, however, refused by a police judge of Rochester, on the ground that the words of the statute did not require balconies. This left nothing for the inspectors to do except to urge manufacturers to erect escapes complying with the spirit as well as the letter of the law.

[2] Fire escapes not much better than these are still in existence on some of the large factories of the state.

On November 9, 1888, there occurred a disastrous fire in a Rochester factory, at which thirty-five employees were killed and some fourteen injured, largely as a result of defective fire escapes. This factory was provided with two of the gas-pipe affairs described above. The superintendent had been ordered by the deputy inspector to provide balconies and had promised to do so, but had provided them on only one escape. Moreover, the escapes were improperly placed and so rendered of still less use. This disaster called public attention to the matter of fire escapes in factories, and at the next session of the legislature the factory inspectors were able to secure the amendment to the law which they had been urging for two years. The amendment provides minute specifications for a fire escape having iron balconies embracing at least two windows and guarded by a railing, and connected by inclined stairways, etc.; this particular kind of escape to be required at the discretion of the factory inspector.

The last important change made in the act of 1889 was the requirement that vats and pans and machinery of all kinds should be properly guarded (the previous law had referred only to gearing and belting), and that exhaust fans should be provided to carry off dust from "emery wheels and grindstones, and dust-creating machinery."

The Act of 1890.—The next amendment of the factory law was in Chapter 398 of the Laws of 1890. No fun-

[1] The student who reads the law in force after the passage of the amendments of 1889 may be surprised to find no provision requiring the reporting of accidents. This was due to an error of the printer or one of the clerks of the legislature, by which the section of the law referring to the guarding of machinery was partly duplicated, while that relating to the reporting of accidents was omitted. The error was corrected in the amendment of the next year.

damental changes were made; most of the changes were in the wording of sections so as to make the meaning more clear and the provisions more definite, or were to remedy technical defects disclosed in the working of the law. It will be necessary merely to specify the most important of these alterations.

In the act of 1886, the work of males under eighteen and females under twenty-one was limited to sixty hours a week, "unless for the purpose of making necessary repairs." This was limited, in 1889, to such repairs to machinery as might be necessary to avoid shutting down the plant, and finally was stricken out entirely by the act of 1890, which makes the sixty hour limit absolute. The restriction of the hours of labor of women under twenty-one years of age and males under eighteen is further strengthened by forbidding work in any one week for more hours than will make an average of ten hours a day for the number of days worked. This makes it illegal for an establishment which is not running all six days of the week to work overtime habitually on the days when it is in operation. For example, a factory might shut down regularly on Saturdays and claim the right to work eleven or twelve hours on the other five days of the week, on the ground that the overtime was being made up by the granting of a full holiday on Saturday. This is illegal under the law as amended. A little more discretion is given the factory inspectors regarding the exact specifications to be insisted on in the matter of fire escapes. Manufacturers are required to furnish dressing-rooms for their female employees, where considered necessary by the factory inspector.

The act of 1890 increased the force of inspectors by allowing the factory inspector to appoint not more than

eight women deputies. In connection with this amendment there was quite a bitter fight between the factory inspector and his assistant on the one side and an organization known as the Workingwomen's Association, together with a number of individual women interested in philanthropic work in New York City, on the other side. These women were dissatisfied with the way the factory law was being administered, and believed that better results would be obtained by women inspectors. There was also a more or less general idea that the women and girls employed in factories were being subjected to indignities and insults, and that a state of immorality existed which it was impossible for the male inspectors to discover or remedy. Agitation developed in 1888 in favor of female factory inspectors, and a bill was introduced providing for the appointment of not less than six women to such positions. This bill was vigorously opposed by the factory inspector and his assistant, especially when the bill was amended so as to make the women inspectors independent of the state factory inspector. The bill was defeated. The agitation for women inspectors was renewed with increased vigor in 1890, and again a bill was introduced providing for female inspectors wholly independent of the state factory inspector's office. As before, this bill was vigorouly opposed by the factory inspector, on the ground that it would disorganize the department and the whole work of factory inspection. A compromise was finally accepted by which the factory inspector was authorized to appoint not more than eight women as deputy inspectors, the women being placed under his authority on exactly the same footing as the male deputies. Although he had been opposed to the idea of female deputies from the start, the factory inspector made the

authorized appointments and gave the new deputies a fair trial, and in his report for 1891 stated that the work of the female inspectors had proved in the main satisfactory. Ever since this time there have been about ten women inspectors doing practically the same work as the men.

The Act of 1892.—The factory law was amended again in 1892 (L. 1892, ch. 673). As was the case in 1890, most of the changes relate to matters of technical detail or are designed to strengthen the wording of various parts of the law without materially changing its content. This law may in the main be passed over with only a brief summary of the most important changes made.

The operation or care of an elevator by a child under fifteen years of age is forbidden, or by any person under eighteen in case the speed of the elevator exceeds 200 feet a minute. The factory inspector is authorized to inspect the apparatus of elevators and require them to be kept in a safe condition.

It is made illegal for any one to remove the safeguards from machinery when once placed thereon, except for the purpose of making immediate repairs. This provision was directed, not against the manufacturers, but against the employees themselves, who were found in numerous cases to have removed guards after their employers had gone to considerable expense in furnishing them. Many adult workmen seemed to have a certain feeling of pride in working on unguarded machinery, and they were inclined to be sensitive or scornful when the guards required by the law were placed on their machines. The act also gives the factory inspector power to attach a notice to any unsafe machine forbidding its use until made safe.

The law regarding water-closets is amended by requiring separate approaches to the closets used by the different sexes.

The required noon time is increased from forty-five to sixty minutes.

Walls and ceilings of workrooms must be whitewashed if considered necessary by the factory inspector.

Provision against overcrowding is made by requiring that at least 250 cubic feet of air space be allowed to each person in any workroom during the day, and at least 400 cubic feet during the night, unless the room is lighted by electricity. Proper ventilation must also be provided, to the satisfaction of the factory inspector.

The factory inspector is given authority to inspect buildings used as factories and anything attached thereto, outside of the cities of New York and Brooklyn, where the matter is looked after by the local buildings departments, and to condemn and order removed or repaired any unsafe structure.

Finally, a new definition of a "manufacturing establishment," as meant by the law, is given as follows:

§ 17. The words "manufacturing establishment," wherever used in this act, shall be construed to mean any mill, factory or workshop where one or more persons are employed at labor.

This act also contains a section devoted to tenement-house manufacture, which was the first attempt at legal regulation of the tenement "sweat-shop."

The above changes were made for the most part in response to recommendations of the factory inspector, some of them having been urged for a number of years.

The Acts of 1893 and 1896.—Some changes in the law were made in 1893, and again in 1896. The act of 1893, L. 1893, ch. 173), provides that where employees

work overtime for more than an hour after six o'clock in the evening they shall have at least twenty minutes to obtain a lunch. The number of deputy factory inspectors was raised to twenty-four by the act of 1893, and again to twenty-nine in 1896, not more than ten to be women. An important change was made by the act of 1896 (L. 1896, ch. 991), in the section relating to the employment of children. Up to that year any child over fourteen years of age and under sixteen could be employed, provided only that he could read and write simple English sentences and that the affidavit of the parent or guardian had been filed stating the age and date and place of birth of the child. The act of 1896 requires a certificate from the local health officers for every child employed between the ages of fourteen and sixteen. The law on the subject is lengthy and complicated. Its essential features may be summarized as follows:

No child under sixteen years of age is allowed to work in a factory without first having placed on file in the office of the factory a certificate from the local board of health. The certificate must contain: (1) a statement of the date and place of birth of the child; (2) a description of the child; (3) a statement that the board of health is satisfied that the child is physically fit to do the work which it intends to do; and (4) a statement that the board is satisfied that the date of birth as stated is correct, or, in case the date cannot be ascertained, that the child is over fourteen years of age. Before granting the certificate, the board of health must have received and placed on file the affidavit of the parent or guardian as to the date and place of birth of the child; this is the legal evidence of age. The board must also be satisfied that the child has attended a

school where reading, spelling, writing, arithmetic, English grammar, and geography are taught, during the whole of the last preceding school year. A certificate from the school authorities may be accepted by the board of health as evidence of school attendance. Children who have satisfied all the above requirements except the one of school attendance may receive a "vacation certificate" entitling them to work in factories during the vacation of the public schools.

The purpose of this amendment was to check the employment of children under the legal age, who were nevertheless supplied with affidavits in due form stating that they had reached the required age. From the very first it had been a common practice for parents to swear that their children were fourteen years old (thirteen under the first law) or over, one, two, or three years before they had reached that age. The desire to add the earnings of the small children to the family income was strong enough to make them swear to a false age. There were always found notaries who were willing to administer the oaths, even when the children were obviously younger than the age stated. The manufacturer was of course perfectly willing to accept children of any age, regardless of the truth or falsity of their affidavits; and so long as the required affidavit was on file the law was technically satisfied and the factory inspector could do nothing. The original factory act had no sooner gone into effect than this weakness was detected. In his report for 1886, covering the first year of the operation of the law, the factory inspector makes the following statement:

"The number of parents who were willing to commit perjury in order to keep their children in the factories, was enormous, and the youngsters were usually care-

fully drilled to sustain the sworn statements of their parents. Litttle boys and girls who could not possibly be more than ten, eleven, or twelve years of age, would stoutly and brazenly insist that they were over thirteen years of age. If asked what year they were born, they would sometimes name a date that would indicate that they were not so old as they pretended to be; then, after further questioning the admission would be made that they had been told to misstate their age. . . . It will be seen, on reading the law, that it went into effect on the fourth day of July. The number of children who claimed to have become thirteen years of age on the *fifth* of July, were so great as to be amusing, were it not saddening to think of the motives which prompted the evident falsehood."[1]

Under the factory law, there was no remedy against these false affidavits of parents and guardians. The employer was protected by the false affidavit. The only other means of stopping the practice were either to prosecute the parents for perjury or to bring suit against the notaries who made out the false certificates. The latter was attempted, and in 1887 eight cases were brought against one Silas Owen, a notary public of Cohoes, who was charged with having certified that parents had sworn to the ages of their children when they had in fact not sworn, and also with having put false dates in the certificates.[2] The failure of the grand jury to find indictments in these cases discouraged the factory inspector, and no further attempts to prosecute in this way are recorded, with the exception of a case against the same man for signing parents' names to certificates without their knowledge, which was brought in 1893, in which case the jury brought in a verdict of not guilty. Only one prosecution of a parent for

[1] N. Y. fact. insp. rep. 1886, p. 17.

[2] N. Y. fact. insp. rep. 1888, p. 67.

perjury is on record, and in that case the grand jury failed to indict.

It was hoped that the amendment of 1896, requiring a certificate from the board of health, granted only after the board had examined the child and the parent's affidavit and been satisfied that the child's age was correctly stated, would put a stop to the employment of young children by means of false affidavits. This hope was disappointed, and the use of false affidavits continued on a large scale down to 1903, when the law was made effective by requiring documentary evidence of age.

The amendment of 1896 was brought about largely as the result of an investigation carried on by a legislative commission known as the Reinhardt Committee. This body was appointed by the Assembly in March, 1895, for the purpose of investigating the condition of female labor in New York City. The committee went to work immediately, and made its first report to the Assembly in May, 1895, in which it stated that the task given it was too great to be completed in so short a time and asked to be continued for another year. This request was complied with, and the committee made a more or less extended investigation of the condition of child and female labor in New York City, transmitting its second report to the Assembly in January, 1896. The committee divided its work between factories and mercantile establishments, and held public hearings, examined numerous witnesses, and made personal investigations of work places in New York City. In its final report the committee stated that the employment of children under the statutory age was one of the most extensive evils then existing in New York City. This state of affairs was made possible by the evasion of the

law through false affidavits of age. It was shown how ready parents were to swear falsely to the ages of their children, and how easy it was for them to find notaries who, for the fee of twenty-five cents, were willing to be party to the perjury. To correct this evil the committee recommended that certificates from the boards of health be required for all children between the ages of fourteen and sixteen as a condition of their employment in factories.

The Reinhardt Committee devoted their investigation not merely to the question of child labor, but made a general study of the conditions under which women and children were working in the factories and stores of the City. Two bills were drafted by the committee and recommended to the legislature, one being an amendment of the factory law, while the second regulated the employment of women and children in mercantile establishments. The former bill was passed practically without change, becoming Chapter 991 of the Laws of 1896.

The Mercantile Law of 1896.—There was another piece of legislation enacted in 1896 which, while not coming within the strict limits of this paper, is still of sufficient importance in its bearing on the general subject of legislative restriction of the employment of women and children to warrant some passing notice at this point. This is the "mercantile law," which substantially extended the provisions of the factory law to cover the work of women and children in stores. The logic of such legislation had been pointed out, and a more or less vigorous demand for it had been in existence from the passage of the original factory act ten years before. In his first report the factory inspector called attention to the lack of any good reason why women and children

should be protected in factories but not in stores, and he recommended that the factory law be amended to apply to both "manufacturing and mercantile establishments."[1] The same argument and recommendation occur in each subsequent report till the passage of the law. The demand for such legislation, however, was not strong enough to secure any result, in the face of the strong and united opposition of the mercantile interests; and down to 1896 the employees of the mercantile establishments of the state were not protected by any special statutes excepting the law of 1881, already referred to, which required the furnishing of seats for female employees in stores, but which was nowhere enforced. The factory inspector thought he saw in this extinct act a chance to give employment to the eight female inspectors who were given to him by the legislature of 1890, and who for a number of years seem to have been something of a problem on his hands. Year after year he urged the legislature to give him authority to have the women enforce the law of 1881, but without success.

In 1894 a bill was introduced in the legislature, regulating the employment of women and children in mercantile establishments and placing the matter in the hands of the factory inspector's department. This bill, known as the "Ainsworth Bill" was successfully fought by the great drygoods merchants in 1894, and again in 1895, when it was re-introduced. The Reinhardt Committee[2] in 1895 and 1896 made an investigation of the subject of child and female labor in mercantile establishments in New York City, in the course of which they held public hearings on the Ainsworth Bill.

[1] N. Y. fact. insp. rep. 1886, p. 31.

[2] See p. 61.

The bill was advocated by the Workingwomen's Association, the Consumers' League, and others, and opposed by the association of retail dealers affected. A compromise was finally agreed on and the bill as drafted by the Reinhardt Committee was passed, becoming Chapter 384 of the Laws of 1896.

It will not be necessary to go into the details of this law, further than to say that it extended the main features of the factory law to the employment of women and children in stores. The act applied only to cities and incorporated villages of three thousand inhabitants or over. There were certain exceptions which very materially reduced the effectiveness of the law. Thus the ten hour limit to a day's labor was not to apply to Saturday, the one day of the week, of course, when hours are the longest. And the whole section regulating hours of weekly and daily labor was suspended during the period between December 15 and January 1, which includes the annual holiday rush season and the very time when the evils of long hours exist in their worst form. But even with these serious defects, the law has been, with very rare exceptions, absolutely unenforced. The administration of the law was placed, not under the state factory inspector's office, as proposed in the original bill, but in the hands of the local boards of health, which boards have been practically unanimous in allowing the law to become a dead letter. The main agitation for the passage of the law came, of course, from New York City, and was directed chiefly against the large department stores. In New York City the friends of the law succeeded in having inspectors appointed and an appropriation made for their salaries and expenses. Fourteen inspectors were appointed, and for one year the law was

enforced as efficiently as possible. Then the department store influences went to work, and the second year succeeded in having the appropriation for salaries cut out, with the result that the law has been a dead letter ever since. During the Low administration Dr. Lederle did the best he could by appointing two women of independent means who were willing to serve without remuneration. But the time which they were free to devote to the matter was limited, and not much was accomplished; the law is violated openly every day. This failure of the New York City government to enforce the law led governor Roosevelt in 1899 to recommend that its enforcement be transferred to the state factory inspector, but the legislature did not act on his suggestion.

The Act of 1897.—The whole labor law was revised and consolidated in Chapter 415 of the Laws of 1897, known as the labor law. Numerous changes in wording and arrangement were made at this time, but nothing was done to materially alter the law. The number of deputies was increased to thirty-six, not over ten to be women; and a new definition of a "factory" was given, as follows: "The term 'factory,' when used in this chapter, shall be construed to include also any mill, workshop, or other manufacturing or business establishment where one or more persons are employed at labor." It is also provided that, when considered necessary by the factory inspector, the halls leading to workrooms must be properly lighted.

The Acts of 1899.—Some important changes in the law as it affects the employment of women were made in 1899. Sections 77 and 78, limiting the hours of labor of minors under eighteen years of age and women under twenty-one were then made to include all women.

A new provision was also introduced which forbade the employment of any minor under eighteen years of age or any female in the operation of "any emery, corundum stone or emery polishing or buffing wheel." Two other new features were added to the law in 1899. It was made illegal for children under sixteen years of age to operate or assist in the operation of dangerous machinery. Provision was also made, for the first time, for the regular inspection of boilers in factories, under the direction of the factory inspector. The part of the law relating to the lighting of halls was broadened to read as follows: "When, in the opinion of the factory inspector, it is necessary, the workrooms, halls and stairways leading to workrooms shall be properly lighted." Finally, the number of deputy factory inspectors was increased from thirty-six to fifty, not more than ten of them to be women. These amendments were all enacted in response to recommendations of the factory inspector. The extension of the law so as to include all women in the restriction of hours had been urged for a number of years. The women themselves demanded it, although the law, by discriminating between those over and those under the twenty-one year limit, had driven many women actually under twenty-one years of age to state that they were older, in order to keep their positions or be enabled to make larger wages. The amendments made in 1899 are all contained in Chapter 192 of the laws of that year, with the exception of the section relating to polishing and buffing, which is Chapter 375.

The Acts of 1901.—Three acts were passed in 1901 which have some bearing on the factory law. Chapter 306 provides that inside water-closets shall be provided whenever practicable; Chapter 475 requires the posting

of Articles V, VI, and VII of the labor law; and Chapter 9 provides for the consolidation of the three bureaus, labor statistics, factory inspection, and mediation and arbitration, into a single body known as the department of labor, without, however, making any change in the body of the factory law. We shall have occasion to refer to this consolidation in the chapter on administration.

The Employers' Liability Law of 1902.—A study of factory laws would not be complete without some mention, at least, of the law regulating the liability of employers for injuries sustained by workmen in their employ.

Previous to 1902, the matter of employers' liability was regulated only by common law. The organized laborers of the state had been agitating for years in favor of an employers' liability law, and the law of 1902 (Chapter 600) came as the culmination of a seven years' campaign on their part. The law of 1902 provides in substance that "Where . . . personal injury is caused to an employee who is himself in the exercise of due care and diligence at the time," either by reason of any defect in the condition of machinery, etc., due to the negligence of the employer, or by reason of the negligence of any person in the position of superintendent, the employee shall have the same right of compensation as if he had not been engaged in the service of the employer.

Section 2 of the act provides that no action for recovery of damages shall be maintained unless notice of the time, place and cause of the injury is given to the employer within 120 days, and the action be commenced within one year after the occurrence of the accident.

Section 3 provides that "An employee by entering

upon or continuing in the service of the employer shall be presumed to have assented to the necessary risks of the occupation or employment and no others." By "necessary risks" are meant only those inherent in the nature of the business, "after the employer has exercised due care in providing for the safety of his employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees." The fact of an employee continuing in the service after having discovered the danger of personal injury shall not, as a matter of law, be considered as an assent to the existence of such risks, or as involving contributory negligence. "The question whether the employee understood and assumed the risk of such injury, or was guilty of contributory negligence . . . shall be one of fact." But an employee shall not be entitled to damages in case he knew of the defect or negligence causing injury and failed within a reasonable time to give notice of it to the employer, unless it appears at the trial that the defect or negligence was known to the employer prior to the accident.

Section 4 provides that an employer who has insured himself against damages for injuries to employees "may prove in mitigation of damages recoverable by an employee under this act such proportion of the pecuniary benefit which has been received by such employee from such fund or society on account of such contribution of employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto."

Section 5 states that this act shall not be construed to limit in any way any previously existing right of action, and also that the failure to give the notice required in section 2 shall not bar the maintenance of a suit upon any previously existing right of action.

CHAPTER VI

THE LEGISLATION OF 1903

Introductory.—The final amendment of the factory law and the culmination of the movement against child labor came in 1903. The statutes enacted in that year were exceedingly important and far-reaching, and the movement of which they were the fruit was one of the most remarkable legislative campaigns in the history that we are tracing. The four main objects accomplished were: first, the substitution of documentary evidence for the parent's affidavit as to the age of a child under sixteen; second, the reduction of the hours of labor of children under sixteen years of age to nine per day, without any exceptions; third, the regulation of the employment of children in street trades; *i. e.*, newsboys, messengers, etc.; and fourth, the amendment of both the compulsory education law and the factory law so as to make the educational requirements broader and more effective, and especially to bring the two laws into harmonious working with each other. Strictly speaking, all of this does not belong to the factory law, but, as has already been said, the subject of the employment of children in factories and its regulation by law cannot be properly studied without considering both the factory law and the education law. Enough of the history has already been given to show that the two are inseparably bound together. Moreover, one of the chief aims of the legislation of 1903 was to amend both laws so as to make effective the union already existing between them and to remove certain points of disagreement. A study of the amendments to the compulsory

education law is therefore necessary to an understanding of the changes made in the factory law, and each will be taken up in turn. The regulation of the so-called "street trades" was a move in a new direction. Its administration is in the hands of the local boards of health, and as the law does not relate to factory employment it lies without the scope of this paper. Mention is made of it only as forming an integral part of the legislative program of 1903.

Evidence of Age, etc.—Our courts have always recognized the parent's affidavit as conclusive evidence of the age of a child. When the original factory law was enacted in New York, forbidding the employment of children under the age of thirteen in the factories of the state, it very naturally provided that the affidavit of parent or guardian should be taken as evidence that any child had reached the legal age entitling him to work. This remained the sole evidence of age down to 1903, in spite of constant perjury on the part of parents and a steady stream of eleven, twelve. and thirteen year old children entering the factories, all armed with false affidavits, or certificates based on false affidavits. And there was nothing secret about this state of affairs; it was all perfectly evident to those who cared to look, and public attention was called to it year by year in the reports of the factory inspector.

We have already referred to the course of events during the first ten years of the operation of the law, and have described the ineffectual attempts of the factory inspector and his assistant to remedy the evils by prosecuting notaries who made out false certificates. Then came the act of 1896, with its elaborate provision for certificates from the boards of health. These provisions

have been described in detail above.[1] The parent's affidavit was still required, and was to be filed with the board of health before a certificate was granted; the only additional safeguard provided was the requirement that the board of health should not issue the certificate unless they "are satisfied that said child is fourteen years of age," etc. The health officers were thus in effect required to scrutinize and pass on the parent's affidavit, after it had been sworn to before a notary. Great hopes were entertained that this would result in a sweeping reduction of the false certificates. Thus the factory inspector, in his report for the year 1896,[2] says: "That the old law was very defective is well known; the cupidity of ignorant or covetous parents, aided by mercenary or corrupt notaries, was the main cause for the continuation of the abuses which the amended law aimed to prohibit. For a parent who would force his child into a workshop or factory at a tender age would not long hesitate to swear to a lie as to the age of the child. And the fact is notorious that all such parents encountered no difficulty in finding a notary public who, for a mere fee of twenty-five cents, was ready and willing to aid in the crime. . . . ." Then follows the amended section of the law, after which the report continues: "It will be readily seen that the manner of granting certificates to children between fourteen and sixteen years of age, as provided for in the above section of the law, leaves very little room for evasion; for a notary who administers an oath to the parent or guardian of a child understands that the subject of that oath will be reviewed by the health officer authorized to grant the required certificate, and the health officer

[1] See pp. 59-62.

[2] N. Y. fact. insp. rep. 1896, pp. 13-18.

making such examination in turn understands that his work will be closely scrutinized by the officers of the factory inspection department when they visit and inspect the establishment in which the child is employed." It may be worth while to state that the administration of the factory inspection department had just changed hands, and that the writer of the above had been in office less than a year. Had he enjoyed the experience of his predecessor in vainly attempting to secure the conviction of dishonest notaries, or been as familiar with the law as he doubtless became after a few years' experience, he would probably have taken a less complacent view of the situation; assuming, of course, that the above quotation is an honest expression of opinion. As a matter of fact, the law gave absolutely no authority to the factory inspectors to review the work of the health officer in granting certificates. The factory inspector's office had no power to go back of the certificate. So long as a child had a certificate, made out in proper form by the board of health, that child was legally employed, even though it was perfectly evident at a glance that the child was not more than eleven or twelve years old. The amendment of 1896 was like the original law in basing evidence of age on the parent's affidavit, and the mere multiplying of officers to "scrutinize" the affidavit was a useless complication.

That little or no good resulted from the amendment of 1896 so far as the perjury of parents was concerned, that parents and notaries continued to make out false affidavits with impunity, and that children under the legal age of fourteen continued to find employment by that means up to the year 1903, is established by an overwhelming mass of testimony. Only a few examples need be introduced here.

In a circular issued February 1, 1903, by the New York Child Labor Committee, the following statement is made: "Tempted thus [1] to put their children at work under the age of fourteen years, parents secure an employment certificate by means of a *false affidavit regarding the age of the child.* They have merely to swear that the child is fourteen, and the child, although only thirteen or twelve, or even of fewer years, is granted the employment certificate which permits him to begin an uninterrupted life of labor. A mass of testimony showing perjury of this sort comes from teachers of public schools in the lower grades. Under the present law teachers are required to insert upon the employment certificate a statement regarding the child's school attendance, and they have thus an opportunity to notice the age of the child as stated in the parent's affidavit, which appears also upon the same certificate. The principal of an East Side school states that three out of five of the certificates which come to her bear affidavits of the parents which she knows from her school records to be false."

The state factory inspector, in his report for 1901 (issued in 1903),[2] states that "In spite of the unquestionable benefits accomplished by the law, it cannot be called satisfactory even yet. It is too easily evaded. Thus the foregoing table shows that the inspectors every year find between 300 and 500 children illegally employed in factories, either because they are illiterate or under legal age (fourteen years), . . . Of course the violations or evasions of the law that are discovered by the inspector constitute only a fraction of such cases.

[1] That is, by the lack of harmony between the compulsory education law and the child labor law.

[2] N. Y. fact. insp. rep. 1901, p. 136.

. . . Some children when asked their age will reply: 'Do you mean my school age or my real age?' They have been deliberately taught to report themselves to the school teacher older than they really are in order that later on they may begin employment before they reach their fourteenth year. The greatest trouble thus comes from the misrepresentation of the child's age by his parents. . . . The only effective remedy for this sort of thing is the requirement of a certificate of birth in place of the parent's affidavit of age."

The following is from a circular issued by the state superintendent of the department of public instruction after the passage of the amendments to the compulsory education and child labor laws in 1903: "Yet these statutes were being constantly violated by parents committing *perjury* in swearing to the ages of their children; and when an attempt was made by due process of law to punish such parents the outcome was usually most discouraging, as the courts almost invariably held that the 'sworn statement of a mother must be accepted as conclusive evidence of the date of the child's birth.' Such a ruling opened before a guilty parent a sure way of escape from the penalty of her crime. . . . A careful examination of court records will show a very small number of convictions secured for perjury as compared with the number of parents justly charged with that crime. An examination of school records by my inspectors often reveals the fact that many parents make false statements to teachers from year to year as to the ages of their children for the sole purpose of getting them out of school for employment at a period prior to that provided by statute."

The Reinhardt Committee called attention to the evil of false affidavits, both in its preliminary report of 1895

and in its final report presented to the Assembly in 1896. In the latter report, after stating that "The committee stamps the employment of child labor under the statutory age as one of the most extensive evils now existing in the city of New York," the following statement is made regarding parents' affidavits: "Parents and mercenary and corrupt notaries alike connive at the employment of children under statutory age. A parent who is wlling to permit his child to work in a factory at an age under fourteen, is ordinarily just as willing to perjure himself as to the age of the child. To carry out his purpose he has little difficulty in obtaining the assistance of a notary, who is willing, for the illegal fee of twenty-five cents, to be a party to the crime. . . . The committee discovered that the making of affidavits of the age of children was engaged in by notaries public as a business." One notary testified that he made out "maybe 300 a year" and at present had no other means of livelihood.[1]

Governor Odell, in his message to the legislature, January 7, 1903, said: "The laws relative to the employment of children are in such an unsatisfactory condition that their enforcement is almost impossible."

Any number of passages might be quoted from editorials in various newspapers of New York City and other cities of the state, to show that the common perjury of parents was a well known fact. Two or three only will be given.

"Everyone interested in the subject knows that the present laws are evaded by the willingness of parents to perjure themselves."—*N. Y. Commercial Advertiser*, Jan. 13, 1903.

"If this regulation can be enforced it should have the effect of diminishing the amount of perjury now

[1] N. Y, ass. doc. 1896, No. 29, pp. 3, 5.

committed by avaricious parents, who are anxious to profit by the earnings of their young children."—*Brooklyn Times*, Feb. 5, 1903.

"Everyone interested in the subject knows that the present laws are evaded by the willingness of parents to perjure themselves because it is easy to do so without running much risk of being found out. They have simply to take the required oath before any notary in the state, which precludes the keeping of any accessible record on which they can be held to account."—*Albany Press*, Jan. 15, 1903.

As a single specific instance we may cite the Chelsea Jute Mills, of Greenpoint, an establishment which has long been notorious among those interested in the matter of child labor and which has come to the public attention through the test case recently brought against the company for violation of the compulsory education law. It was well known that the mills employed many children under the legal age of fourteen, and in the fall of 1903 the school superintendent sent several attendance officers to inspect the mills. They found several hundred girls between the ages of twelve and fourteen at work. They took the names of sixty children who admitted that they were twelve and thirteen years old. The company made no effort to conceal the children and no pretense of believing that they were all fourteen years old. Every child was supplied with a certificate in due form from the board of health, containing the parent's affidavit that the child was fourteen years of age or over. The company was complying with the letter of the labor law, and the factory inspectors could do nothing. The company was, however, prosecuted and convicted, under a clause of the compulsory education law. This very important case will be discussed at some length below, in the chapter on court decisions.[1]

[1] See Chapter VII.

Enough has been given to show the very serious weakness of the law, so long as evidence of a child's age was based on the parent's affidavit. It was to remedy this weakness that the law was finally amended in 1903. The rejection of the parent's affidavit was a radical move, and was not made without some misgivings as to its ability to stand the test of the courts. But it seems clear that it was the only course to take, if the law was to be made effective. In place of the parent's affidavit the amended law substituted documentary evidence of age. The certificate from the board of health is required as before, but before this can be granted the child must have given evidence that he is fourteen years old by filing with the board one of the following three papers: (1) a transcript of the birth certificate, (2) a copy of the baptismal or other religious record, or (3) a passport in case the child was born in a foreign country. The birth certificate is regarded as conclusive evidence of age; when it cannot be produced, the parent's affidavit must accompany one of the other documents. This provision was put into the law with the idea that, since the religious record and passport are not quite so conclusive as the birth register, they should be strengthened by the addition of the parent's affidavit. In view of the history of the past seventeen years, one may be pardoned for entertaining serious doubts of the ability of the parent's affidavit to strengthen any other kind of evidence.

Regarding the shortening of the hours of labor of children under sixteen little need be said beyond a mere statement of the substance of the amendment, which restricts their labor to nine hours a day, no exception whatever being allowed. Previously children under sixteen had been under the same restrictions as all minors under

eighteen and all women ; that is, their work was limited to sixty hours a week, and ten hours a day, except to make a shorter workday on Saturday. The purpose of this amendment is obvious. In the first place, the hours of labor are decreased from sixty to fifty-four per week, it being held that sixty hours of labor is too much for a child under sixteen years of age. In the second place, the removal of the permission to work overtime on some days so as to make a shorter workday on Saturday was in order to do away with a provision which invited and resulted in serious abuse. As the law existed before, it was very easy for an employer to keep a child working overtime on a number of days and then refuse to give the promised Saturday half-holiday. Numerous cases occurred where children were thus made to work from sixty-five to as high as seventy-eight hours a week. It is almost impossible for the inspector to prove a violation of the law in such cases. He has to make sure both that overtime has been worked on a given day, and that this overtime exceeded the holiday hours granted on Saturday.

Attention should be called to a slight change in the wording of section 70 of the law, which forbids the employment of children under fourteen years of age. The act formerly read that no such child should " be *employed* in any factory. This opened the door for an evasion of the law, which was taken advantage of by some employers. A child under fourteen could be brought into the mill nominally to help a parent or elder brother or sister, whose wage would be increased according to the value of the child's work, the employer protecting himself by denying that the child was " employed" by him. The amended section reads : " No child under fourteen shall be employed, permitted or

suffered to work in or in connection with any factory in this state."

Educational Requirements and the Compulsory Education Law.—We now come to the subject of the compulsory education law and the educational requirements of the labor law, as affected by the amendments of 1903. To make this matter clear it will be necessary to go back and trace very briefly the growth of the New York compulsory education law, in so far as it has a bearing on the child labor problem.

Reference has already been made to the compulsory education law of 1874, which was in force in the early eighties, when our history begins. The main provisions of that law have been described, and evidence has been given to show that the law was at that time almost universally unenforced. This law continued on the statute books, and continued a dead letter, until a new compulsory education law was enacted in 1894, or, more correctly, until its formal repeal in 1896. The new law, Chapter 671 of the Laws of 1894, was slightly modified in 1895 (Ch. 988), and again in 1896 (Ch. 606). As amended in 1896, it remained in force till 1903.

The main features of this law, in force from 1896 to 1903, so far as they concern our present purpose, are as follows: every child between the ages of eight and sixteen years is required to attend school, or receive equivalent instruction elsewhere; provided that, (1) those between the ages of eight and twelve shall attend during the whole school year, (2) those between twelve and fourteen shall attend at least eighty days and, in addition, all the time during the school year when they are not regularly engaged in some useful employment, (3) those between fourteen and sixteen shall attend

during the whole school year unless regularly engaged in some useful employment. Parents are required to cause their children to attend school as provided above, or give notice that they are unable to do so. It is unlawful to employ a child between the ages of eight and twelve years at any business whatever during the term of the public school, or to employ a child between the ages of twelve and fourteen who does not present a certificate from the proper school officer stating that the child has complied with the law requiring at least eighty days' attendance at school during the school year. The penalty for violation is a fine of fifty dollars. Provision is made for attendance officers, truant schools, etc., and the state superintendent is authorized to withhold half the public school moneys from any district or city as a penalty for non-enforcement of the law.

It is not our purpose to discuss this law on its merits or to describe its working. It will be seen that the provisions of the attendance law are very similar to certain sections of the child labor law. Indeed the two laws are working along practically the same lines, toward the accomplishment of practically the same end. The labor law tries to prevent the employment of children in factories until they have had a chance to develop their physical and mental powers, and as a means to this end requires a certain amount of school attendance. The school law tries to compel the attendance of children at school, and to aid in the attainment of this end makes it illegal to employ children during the school term. Obviously the difference is mainly one of emphasis. Two such laws, working side by side for so nearly the same purposes, certainly ought to be framed and administered in harmony with each other.

This is just where the law in question failed. The matter of administration does not concern us here; but certain features of the law itself must be pointed out, which not only prevented a harmonious working with the labor law, but actually rendered it an obstacle in the way of the enforcement of that law.

The labor law absolutely forbids the employment of children under fourteen years of age in manufacturing establishments. The compulsory education law requires the attendance at school, and forbids the employment during the school term, of children between eight and twelve years of age, with no exception. So far the laws are in harmony. But in the case of children between the ages of twelve and fourteen, the school law requires only eighty days' attendance, provided the rest of the year is spent in some useful employment, thus virtually assuming that the labor law will be violated.[1] The strictness of the compulsory education law is thus let up just at the point where its co-operation is most needed by the labor law, for it is between the ages of twelve and fourteen that the temptation to put children to work is greatest. How this exception in the law works to increase illegal employment of twelve and thirteen year old children cannot be better described than in the words of the New York Child Labor Committeee in a circular advocating the amendment of the law: "The compulsory education law, instead of reinforcing the child labor law, is in reality in conflict with it. The provisions of this law are such as actually to encourage false affidavits. It requires regular school attendance until the age of twelve, and after that only

[1] Of course a child may be employed elsewhere than in a factory, but so large a proportion of children who work do so in manufacturing establishments that the permission of the school law practically assumes such employment.

eighty days a year if the child is regularly engaged in a useful occupation. The law therefore fixes in people's minds that after the age of twelve regular attendance at school is not obligatory, and associates its discontinuance with the idea of regular work. There remains only the easy task of circumventing the demand of the labor law, which requires that children shall be over fourteen years of age to work in stores and factories." This is accomplished, of course, by the false affidavit of age.

One of the most important acts of the legislature of 1903 was the amendment of the school law so as to eliminate these objectionable features. By simply requiring that all children under fourteen shall attend school during the whole school year, and making it illegal to employ any child under fourteen during the term of the public school, the law was brought into harmony with the labor law. Regarding children between the ages of fourteen and sixteen the law requires, as before, that they attend school during the whole school year, unless engaged in some useful occupation. This provision is a valuable complement of the labor law. The labor law permits children to be employed between the ages of fourteen and sixteen, provided that certain conditions are satisfied. When these conditions are not satisfied the children are refused employment, or discharged if found already employed. These children are then required by the school law to attend school till they are sixteen years old, at which age they are at liberty to go to work without any restrictions from the labor law. The two laws thus work in perfect harmony. Were it not for this provision of the school law, hundreds of children would be turned out of the factories every year, only to roam the streets.

At the same time that these changes were made in the compulsory education law, the educational requirements of the labor law were made more stringent. The former requirement was that before a work certificate was granted to a child, the board of health must be satisfied that he had "regularly attended at a school in which reading, spelling, writing, arithmetic, English grammar and geography are taught during the school year previous to arriving at the age of fourteen or previous to applying for the certificate."[1] The intent of the law, of course, was that the child should have studied the branches named, but the careless wording of the law merely required attendance at a school where these branches were taught. The amendment of 1903 corrected this error and materially raised the standard. Before receiving his certificate the child must now present a statement from the proper school officer, certifying: (1) that he has attended school not less than 130 days during the school year previous to arriving at the age of fourteen or previous to applying for the certificate, (2) that he is able to read and write simple English sentences, and (3) that he has received instruction in the branches named above and is familiar with the fundamental operations of arithmetic up to and including fractions. The intent of the law—and it has been so interpreted by school officers in granting certificates—was to require that every fourteen year old child must have reached at least the grade of the normal child of twelve years. A further strengthening of the educational requirement was the repeal of section 74 of the law which provided for the granting of "vacation certificates" to children who had satisfied all the re-

[1] L. 1897, ch. 415, sec. 73.

quired conditions except that of school attendance. The result of this section had been, first, to deprive children of their vacations by putting them to work as soon as school was over, and second, to lead to more or less permanent employment of children who had not had the required schooling. The children were scattered at the close of school in the mills and factories, and when school opened again very many of them, their parents having become accustomed to the enhanced family income, were kept right on in the factories until they were discovered by an inspector and sent back to school. "Public school No. 180 in New York City furnishes an illustration of the results that follow the employment of children during vacation. Out of the ninety boys who were in this school when it closed in June, 1902, nineteen, or over twenty per cent., went to work and did not return in September. Of the nineteen, eight were not fourteen when they began work, and eleven were between fourteen and fifteen. None of them had had more than two years in school."[1]

The Movement Itself.—The movement which resulted in the enactments which have just been described was almost entirely a philanthropic one carried on by disinterested men and women. The idea started among the settlement workers of New York City. The

[1] Extract from pamphlet of N. Y. Child Labor Com. 1902–3. In the Report of the New York City department of health, for 1902, the chief inspector states regarding the law relating to child labor in factories and stores that "There is one weak point in the present law, and that is the section requiring the issuance of what is known as 'Vacation certificates'. Under this section children of twelve years of age may work in stores and children of fourteen in factories, during the vacation season. No school attendance is required. . . . Large numbers of this class of children are in this way employed . . . and when the vacation term ends numbers of them continue on until discovered by the inspectors and are compelled to return to school."

workers of the various settlements have an organization called the Association of Neighborhood Workers, whose main purpose is to concentrate the influence of the settlements for securing legislation at Albany. They started the movement and formed a committee on child labor to conduct the campaign. This was early in the fall of 1902. Robert Hunter, formerly head worker of the University Settlement, was made chairman. In order to give the committee a good standing with the general public and to enable it to do a broad work, its membership was increased by the addition of a number of influential men and women not connected with the Association of Neighborhood Workers, and the Child Labor Committee was launched as an independent body. The committee proved to be exceedingly strong and influential. It went to work vigorously, aided by the settlements, the Consumers' League, nearly all the philanthropic organizations of the city interested in children, and by numerous influential individuals. Assistance and co-operation came from various trade unions, to a certain extent, but their aid was inclined to be perfunctory. The unions took little real interest in the movement and did little efficient work. They were used by the Child Labor Committee to distribute, as their own, the circulars gotten out by the committee, stating the results of its investigations and its appeals for new legislation. In this way the committee was enabled to reach a class who are always inclined to be suspicious of appeals coming from the philanthropists of the "upper class." This was about the extent of the active participation of the trade unions in the movement, although it was endorsed by the Central Federated Union of New York City, which appointed a special committee

to assist in the campaign, and by organized labor in general.

The Child Labor Committee carried on investigations into the conditions of child labor in New York City, and gathered a mass of evidence which was made public through the press and by means of pamphlets and circulars. Every effort was made to bring the facts before the public and by a strong appeal to arouse an irresistible public demand for the legislation desired. The aim was to arouse public sentiment rather than to exert political pressure upon the members of the legislature, or the party leaders. In this the committee was successful. Public interest was aroused to such an extent that the party leaders had to take account of it. In his message to the legislature, on January 7, 1903, governor Odell made the following statement: "The laws relative to the employment of children are in such an unsatisfactory condition that their enforcement is almost impossible. It is the duty of the state to guard against illiteracy, and the truant law, which has this for its object, is made practically inoperative by failure to fully prevent child labor by existing statutes. The law which prohibits the employment of children in factories does not prohibit their employment by such corporations as telegraph and other companies, and I recommend that the present law be so amended as to make effective the statutes regarding the employment of children." There was all this time a strong current of opposition to the bills drawn up by the committee, coming from the merchants' association and the manufacturers, but when the final test came, the public demand was so strong and unmistakable that the committee secured practically everything that it asked for,

and without any very serious opposition. Few legislative campaigns have been marked by such complete success.

NOTE.—For the full text of the factory law as amended by the Legislature of 1903, the reader is referred to a little pamphlet issued in 1903, by the New York state department of labor. This pamphlet contains those parts of the labor law which are to be enforced by the commissioner of labor, with the exception of the part relating to mines. The provisions relating especially to factories are contained in Articles V and VI, pp. 19–34. Article VII relates to tenement-house manufacture. Article VIII relates to bakeries and confectionery establishments. Articles V and VI are given in full in the Appendix, pp. 204–213.

CHAPTER VII

INTERPRETATION OF THE FACTORY LAW BY THE NEW YORK COURTS

While the New York courts have been called upon time and again to pass on various features of the labor law, in its broad sense, there have been relatively few cases involving the construction of the factory law. There have, however, been a few such cases and some of them are important.

The two cases in which the tenement-house cigar law was declared unconstitutional by the Court of Appeals have already been described, and attention has been called to the important bearing of these decisions upon all subsequent legislation in regard to the manufacture of goods in tenement houses.[1]

Most of the important cases involving construction of the factory law have been in connection with the doctrine of assumed risk. It will not be necessary to undertake any general discussion of this legal principle. A few words must be said, however, by way of introduction to those cases in which the bearing of the factory law on the questions of assumed risk and employers' liability is involved. The principle of assumed risk under the common law has been well stated, in the following words:

"A servant, by entering upon and continuing in a given employment, by the fact of such continuance is presumed to have voluntarily assumed the risk of personal injuries he may receive, by reason of the ordinary dangers inherent in the employment, by reason of any defect not necessarily inherent in the employment which he knew and understood as a danger before injury re-

[1] See Chap. II.

ceived, whether such defect was occasioned by his master's failure to perform his common-law duty of furnishing his men a safe place to work or not."[1]

By this principle it is held that the mere fact of an employee continuing in his place of employment, with knowledge of the dangerous defect in machinery, is evidence that he consciously and willingly assumes the danger and releases the employer from all responsibility for injuries arising therefrom. The question whether an employee assumes the risks of injuries from defect of machinery has been held by the New York courts to be a matter of law for the judge to decide, and the continuance in employment with knowledge of the defect has been held sufficient ground to take the case from the jury and dismiss the plaintiff's action.

This is the principle which has been held under the common law in the state of New York. The enactment of the factory law, however, has imposed upon manufacturers the statutory duty of providing certain safeguards for the employees in their factories, and the question arises of the bearing of this statutory requirement upon the previously existing doctrine of assumed risk. The factory law makes it mandatory upon the employer to provide belt shifters and loose pulleys, to place guards upon all cogs, gearings, and other parts of machinery which might otherwise be dangerous, to have elevator openings properly guarded, etc. In case the employer fails to comply with this statute, can it be held that the workman, who knows of the neglect to comply with the law, assumes the risk of personal injury which may result therefrom, or is the employer to be held guilty of negligence, through his failure to obey the law?

[1] Alger, The courts and factory legislation, American Journal of Sociology, Vol. VI, p. 398.

The New York courts have generally held that an employee by continuing at the employment may waive his employer's statutory duty to furnish the protections required by the factory law. Several cases involving this question have come up before the New York courts. In the case of Simpson vs. The New York Rubber Company (80 Hun. 415), the general term of the Supreme Court held that the employees could not thus waive the employer's duty to furnish the guards required by the statute, the decision being based on the ground of public policy. This decision, however, was in effect reversed by the Court of Appeals in Knisley vs. Pratt, and subsequeut rulings of the courts follow this latter case.

In the case of Knisley vs. Pratt (148 N. Y. 372), a young woman over twenty-one years of age was engaged in operating a machine with unguarded cog-wheels. Her arm became caught in the cogs and was so badly injured that it had to be amputated near the shoulder. The absence of guards was a clear violation of the factory law, and the accident was undoubtedly due to the lack of such guards. The injured employee sued her employer upon the ground of negligence, claiming that "the failure to perform a duty imposed by statute, when, as the consequence, an injury results to another, is evidence upon the question of negligence of the party charged with such failure." Her case was dismissed by the lower court,and this action was sustained by the Court of Appeals, which held that by entering upon employment with the full knowledge of all the facts, an employee may waive, under the common law doctrine of obvious risks, the performance by the employer of the duty to furnish the protection required by statute. "We are of opinion," says the Court, "that there is no

reason in principle or authority why an employee should not be allowed to assume the obvious risk of the business as well under the factory act as otherwise."

The principle laid down in the case of Knisley vs. Pratt is followed by the Appellate Division of the Supreme Court in Burns vs. Nichols Chemical Company (65 App. Div. 424), in which the plaintiff, Burns, was injured by falling through an elevator opening in a platform upon which he was employed. The elevator openings were provided with trap doors as required by the factory law, but there were no guards about the openings such as are required by an ordinance of New York City. The trial court charged the jury that the plaintiff did not assume the obvious risks of the employment, because the defendant did not comply with the law requiring that the openings be guarded, and the jury returned a verdict for plaintiff. By a unanimous decision the Appellate Division held that such charge was an error, basing its decision upon the case of Knisley vs. Pratt which has just been described. While this case does not come strictly under the factory law, it still shows the tendency of the courts to rule that failure of an employer to provide safeguards required by law does not preclude the assumption of the risks of employment by a servant.

Another decision by the Appellate Division along the same line was given in the case of Mull vs. Curtice Brothers Co. (74 App. Div. 561). In this case the plaintiff was employed in a canning factory and had her fingers cut off in a meat cutting machine, through a defect in the condition of the belt which caused the starting of the machine while she was engaged in putting it together, after having taken it apart for the purpose of cleaning it. Attention had been called to the con-

dition of the belt, and she had been promised that it would be fixed as soon as the machinist had time to attend to it. It appeared in the evidence that it was no part of the plaintiff's duty to re-assemble the machine after cleaning it, and that if she had understood the proper way of putting the machine together, the accident would not have happened. The plaintiff was nonsuited and the Appellate Division held that this was proper for two reasons: first, that since she knew of the defective condition of the belting, it must be held that she had assumed the risk attending the operation of the machine from which she was not relieved by the provisions of the factory law; and second, that the plaintiff's injury appeared due, in part, at least, to her engaging in work which was not her regular duty, and to her own negligence. This case is significant from the fact that, although the plaintiff appeared to be clearly chargeable with contributory negligence, the court saw fit to state that her assumption of the obvious risk of her employment was not removed by the fact of the violation of the factory law.

The cases so far cited have all been those in which the injured employee was an adult. In White vs. Witteman Lithographic Co., however, we have a case in which the plaintiff was a child, and which seems to show that the Court of Appeals at this time recognized no difference depending upon the age of the injured employee.

In this case (131 N. Y. 630), the plaintiff, a boy of thirteen years, was employed in a factory and while discharging his regular duty was in a perfectly safe place. At the request of another employee, however, he undertook to set in motion a machine and, in so doing, placed his hand where it was injured in the cogs

or wheels of the machine. The gearing was not guarded as required by the factory law, which fact the boy was aware of. The plaintiff's counsel claimed that he was employed in violation of the factory law for two reasons: first, that he was under the legal age for such employment; and second, that the machine was not provided with the guards required by law. The first of these reasons was evidently due to a misunderstanding of the exact provisions of the law, as was pointed out in the opinion handed down by the Court of Appeals. At the time that the boy was injured, he was thirteen years of age, and as this was in the year 1888 and the law raising the statutory limit to fourteen years was not passed until 1889, the law was evidently not violated in this respect.

On the second point raised, however, both courts agreed that the plaintiff had no case, since the accident was due to his own negligence, and that the failure of the employer to place the required guards on his machinery imposed no liability upon him in a case where an infant employee, knowing of their absence, voluntarily meddled with the machinery.

This case is not so clear on the point we are studying, owing to the fact that the boy was obviously where he did not belong and was guilty, in a certain degree, of negligence. So far as the question arises, however, the Court would seem to hold that the failure of an employer to comply with the factory law, requiring safeguards on machinery, does not relieve an employee of the assumption of the obvious risks of employment, whether the employee be a child or an adult.

Within little more than a year there have been two very important cases, in which the law of negligence, when applied to a child employed in violation of the

factory law, has had an interpretation differing entirely from the cases cited thus far.

The first of these cases is that of Marino vs. Lehmaier (173 N. Y. 530), which was decided by the Court of Appeals on February 24, 1903. The plaintiff in the case was employed as an errand boy in a printing establishment in New York City. After serving as errand boy for about three months, he was set to work as feeder of a printing press, which he had to clean every night. While thus engaged one night, his fingers were caught between the cog wheels and cut off. The boy commenced his employment at the age of twelve years and ten months, and at the time of the accident was thirteen years and three months old. The machine was not in motion at the time the boy commenced to clean it, and the evidence did not make clear exactly how the machine was started. It was claimed by counsel that the plaintiff's case was defective in that it failed to show that the plaintiff was free from contributory negligence. It was held by the Court of Appeals, however, that "Section 70 of the labor law, prohibiting the employment of a child under the age of fourteen years . . . in effect declares that a child under the age specified presumably does not possess the judgment, discretion, care and caution necessary for the engagement in such a dangerous avocation, and therefore is not, as a matter of law, chargeable with contributory negligence or with having assumed the risks of the employment," ; and also, that the fact that the violation of the statute constitutes a misdemeanor and renders the employer criminally liable for the employment of children under fourteen years of age, does not relieve him from civil liability for injuries sustained by a child thus employed ; and that the violation of the statute is "a wrongful and

negligent act which of itself furnishes some evidence of negligence in cases where the accident could not have happened but for employment to work in a factory."

The above case covers the employment of a child below the legal minimum age of fourteen years. In the case of Gallenkamp vs. The Garvin Machine Co., decided by the Appellate Division of the Supreme Court in February, 1904, we have a similar case involving the employment of a child between the ages of fourteen and sixteen, in the operation of dangerous machinery in violation of section 81 of the factory law. The plaintiff in this case applied for employment on the third day of June, 1902. His father, who accompanied him, said that he had "just turned fifteen", which was the fact. The superintendent refused to employ him unless he secured a certificate, stating that he was sixteen years of age. By misrepresenting the facts such a certificate was obtained and the boy was employed. On the eighth day of his employment he was injured on a conveyor used to carry tools from floor to floor of the factory. The case was decided in favor of the defendant in the lower court, and when brought before the Appellate Division, the employer sought to sustain the judgment "upon three grounds; first, that this was not a dangerous machine; second, that the plaintiff was neither operating nor assisting in operating it; third, that the plaintiff was guilty of contributory negligence as a matter of law."

All three points were decided against the respondent. Regarding the third, it was held that the mere employment of a child under sixteen years of age in violation of the law is evidence of negligence on the part of the employer sufficient to take the case to the jury. Furthermore, "The question of contributory negligence is for the jury. Sec. 81 of the labor law amounts to a legis-

lative declaration that children under said age are not of sufficient discretion to be deemed guilty of contributory negligence as a matter of law in performing duties assigned to them in violation of the law."

The above cases are the principal ones in which the New York courts have interpreted the factory law in its bearing on the common-law doctrine of assumed risk, and a study of these cases seems to establish the following principles: first, in the case of adults the continuance at the employment with knowledge of the danger arising from unguarded or defective machinery, etc., is held by the New York courts to show acceptance of the risk on the part of the employee, relieving the employer of responsibility in case of injury, even though the absence of guards or the defective condition of machinery be in violation of the express provisions of the factory law. In other words, the employee may, by continuing in the employment, waive the protection afforded him by the statute which requires the employer to furnish certain safeguards. The question whether the employee did or did not assume the risk is held to be a matter of law to be decided by the judge and, if it appears that the employee remained in the employment with full knowledge of the danger arising from the unguarded or defective condition of machinery, even though that condition be contrary to statute, the court will take the case from the jury and decide in favor of defendant. The above principle was laid down in the case of Knisley vs. Pratt and has not yet been departed from by the New York courts, in cases where the injured employee was an adult. The question involved is a disputed one and the New York ruling is contrary to that laid down by the courts in England and in many

of the other states of this country. The effect of such a ruling is, of course, to render nugatory, to a great extent, the provisions of the factory law requiring that certain safeguards be placed about factory employment, since the only way left to prosecute an employer for violating the law is by criminal proceedings, a far less effective course than a civil suit for damages.

So much for the rule in the case of adults. Where the injured employee is a child and the violation of the factory law consists in the employment of a child who has not reached the age at which it may be legally employed, we have a very different ruling. It is held that the factory law, in prohibiting the employment of a child under the age of fourteen years, in effect declares that a child under that age has not attained the judgment necessary to enable it to assume the risks of factory employment; in like manner the law, in prohibiting the employment of children under the age of sixteen in the operation of dangerous machinery, declares that a child under that age is incapable of assuming the risks involved in working at such machinery. In other words, a child under fourteen employed in any way in a factory, or a child under sixteen employed in operating a dangerous machine, is held to be incapable of contributory negligence, as matter of law, and the mere fact of employment in violation of the factory law is evidence of negligence on the part of the employer sufficient to give the case to the jury. The two cases in which this principle is handed down are both recent ones, and the ruling is apparently at variance with that formerly held. There can, however, be no mistaking the terms in which the decisions are expressed in the two cases cited. The principle thus laid down seems to be in the line of good judgment and common sense

and is certainly calculated to greatly increase the effectiveness of the factory law so far as it relates to the employment of young children.

A case has just been decided in the Fourth District Municipal Court of the City of New York which is of the utmost importance as regards the employment of children in factories. This is the case of the City of New York vs. The Chelsea Jute Mills. We have already referred to the way in which the child labor law has been violated ever since its first enactment in 1886, through the use of false affidavits of age. The difficulty has always been, as has already been pointed out, that the courts recognized the parent's affidavit as conclusive evidence of the age of a child, and so long as parents were willing to perjure themselves in order to secure employment for their children, no way was found to prevent the employment of large numbers of children under the age of fourteen years. The factory inspectors were powerless. For no matter how obviously under age a child might be, so long as it was provided with the required certificate, the factory law was not violated.[1]

We have shown how the attempts to correct this evil through prosecution of parents for perjury and notaries for making false affidavits proved utterly ineffectual, and have shown how the law of 1903 overcame the difficulty once for all by refusing to recognize the parent's statement as evidence of age.[1] The law of 1903, however, as interpreted by the authorities who enforce it, is not retroactive. There are therefore many children employed at present who are provided with the old certificates, many of them based on false affidavits of age, but who are nevertheless held to be legally employed under the factory law.

[1] See pp. 59–62; 71–78.

The present case was instituted to determine whether or not anything could be done regarding these children, and was brought, not under the factory law, but under a section of the compulsory school law, which as amended in 1903 reads as follows:

> It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session, ... and any person who shall employ any child contrary to the provision of this section . . . . shall, for each offense, forfeit and pay to the treasurer of the city or village, or to the supervisor of the town in which the child resides, a penalty of $50.

We have already spoken of the conditions in the Chelsea Jute Mills early in the year 1903, and of the large number of children twelve and thirteen years of age employed there, all fitted out with the required certificates containing affidavits of ages varying from fourteen to sixteen years.

One of these children, Annie Ventre, was selected to test the law. She was twelve years old on July 29, 1903. She began to work in the factory on April 7, 1903, and continued until the day preceding the trial, working ten and a half hours a day. When she applied for work on April 7, 1903, she said that she was "sixteen years passed" and presented an affidavit signed and sworn to by her father stating that she was born "on April 4, 1887, and that she was sixteen years old on April 4, 1903." At the trial the father testified that this affidavit was false and that the child was twelve years old on July 29, 1903. The mother testified to the same effect. It was admitted that the public schools of the city had been in session during the period while the child was at work.

The case was tried on February 18, 1904, and decided on March 24. The facts as stated above were not disputed and the issue was joined squarely; first, as to the constitutionality of the statute and, second, as to the value of the false affidavit as evidence of good faith and absence of intent to violate the statute on the part of the employers. On both of these points the Court held in favor of the plaintiff. Judge Roesch in a long and exhaustive opinion, holds that the filing of an affidavit, stating that a child is fourteen years of age or over, does not release the employer from responsibility for violation of the law in case the affidavit is false and the child is actually under the statutory age. "The present statute is absolute. It must necessarily be so to accomplish its object. The employer acts at his peril. The fact of employment makes him liable."

As to the constitutionality of the law which was attacked as being "an unwarranted, illegal and unconstitutional deprivation of the liberties of the defendant," the opinion holds that the law is a proper exercise of the police power of the state, that it puts no unnecessary restriction on freedom of action, since "it would be impossible otherwise than by an absolue prohibition of employment of all children under fourteen years of age to accomplish its beneficent ends," and does not constitute any improper infringement of the rights of parent or child. The constitutionality of the law is therefore sustained.

The importance of this decision can scarcely be overestimated. To have declared this section of the school law unconstitutional would have been a most serious backward step, and such a declaration would doubtless have been speedily followed by a similar decision regarding the corresponding prohibition of the factory

law. On the other hand, the definite placing upon the employer of the responsibility for employing a child actually under the fourteen year limit is a long step forward, since it renders practically valueless the false affidavit of age by means of which so many young children have hitherto obtained employment. The importance and value of the decision are further increased by the fact that the Chelsea Jute Mills Company, who are the defendants in the case, have decided not to appeal from the finding of the Court, but to accept the decision and to co-operate with the Board of Education by means of a joint committee, in the weeding out from the mills of all children at present employed in violation of the law.

This cheerful acceptance of the decision, of course, applies only to this one company. There are numerous other employers who are violating the law in the same way, and it is quite probable that some one of them will sooner or later take occasion to carry a similar case to the Court of Appeals for final decision. It is believed, however, that in such an event, the law would be sustained by the court of last resort. As a matter of fact, the decision in the Chelsea Jute Mills case has had a most salutary effect upon other employers, many of whom are making inquiries regarding the exact provisions of the law and are looking into the conditions under which children are employed in their establishments. The Chelsea Jute Mills case was given wide publicity through the press of New York and other states, and through the work of the New York Child Labor Committee, and its effect upon employers and the public mind at large is bound to be considerable.

Two other cases involving interpretation of the factory law have been passed upon by the Appellate Division,

which are of less importance than the cases considered above, but which nevertheless require some mention in this chapter.

In the case of Foster vs. The International Paper Co. (21 App. Div. 47) it was held that an employee injured while engaged in installing new machinery in a factory, had no case against his employer on account of the absence of guards on the gearing of the machinery which he was installing. The court held that "the labor law does not require an employer to cover or guard machinery in the course of construction, so that persons engaged in the construction of it will not be injured."

The other case involves the application of the law regarding fire-escapes to factories iu the city of New York. Under Chapter 462 of the Laws of 1887, the state factory inspector had exercised the power of ordering fire-escapes on the factories in New York City the same as in other parts of the state, but from a time previous to the enactment of the factory law, the superintendent of buildings of New York City had exercised similar jurisdiction over the matter of fire-escapes on all buildings in the city, including factories. The trustees of the Sailors' Snug Harbor owned a factory building in New York City and were directed by the superintendent of buildings to erect a fire-escape of a particular pattern. They refused to obey the order of the superintendent on the ground that sections 82 and 83 of the factory law placed the matter of fire-escapes on factories under the jurisdiction of the state factory inspector. The case came before the Appellate Division in July, 1903, (85 App. Div. 355), and the court held that the municipal authorities had exclusive jurisdiction over the matter of fire-escapes within the city of New York, the intention of the factory law being to ex-

cept that city from the provisions of sections 82 and 83 which relate to fire-escapes.

This decision, however, still left untouched a clause in section 62, which provides that the factory inspector shall have the power to enforce "Any municipal ordinance, by-law, or regulation relating to factories or their inspection." In order to settle the question whether or not this section gave him authority to require the erection of fire-escapes in New York City under the municipal ordinance, the commissioner of labor asked the advice of the attorney general, who stated that in his opinion section 62 was not meant to apply to the city of New York. This decision and opinion seem to take away from the factory inspectors all authority over the regulation of fire-escapes on factories within New York City.

PART II. — ADMINISTRATION AND RESULTS

CHAPTER VIII

INTRODUCTORY

In Part I the history of the enactment of the factory law has been traced. The following chapters will be devoted to results. We shall not attempt to discover every possible effect which may be traceable to the factory law. The law was enacted for the accomplishment of certain purposes, and in the main the study will be directed with the object of determining whether or not these purposes have been accomplished. There are certain other lines of investigation which might perhaps suggest themselves, such as the effect of the factory law on wages and on the manufacturing industries of the state. But it is believed that such lines of investigation are at best of doubtful value. It is quite likely that the factory law has had some indirect influence on wages, and on the general condition of industries. These are matters however, which involve so many causes, many of them of far greater weight than the question of factory legislation, that the attempt to show just what has been due to the factory law seems scarcely worth while.

Just a word may be said in dismissing this subject. At the time when the first factory act was being agitated the strongest argument brought by the opponents of any such legislation was that the industries of the state would be crippled or driven to other states. Whatever may be said of the positive results of the law, certainly no one could claim that the factory law has resulted disastrously upon the manufacturing industries of the

state. They have gone on increasing and prospering as before.

The New York factory law is administered by special state officers. The first law in 1886 provided for the appointment of a factory inspector and one assistant, charged with the duty of enforcing the law, and reporting annually to the commissioner of labor statistics. The next legislature provided for the appointment by the factory inspector of eight deputies to assist him in enforcing the law. Since then the force of deputies has been increased from year to year and at present numbers fifty. Women inspectors were first authorized in 1890, the number allowed in that year being eight. At present ten of the fifty deputies may be women.

The experiment of having the factory inspector report to the commissioner of labor statistics was given up after one year's trial, and in 1887 the factory inspector was made an independent officer reporting directly to the legislature. The factory inspector's office continued independent until 1901 when the present department of labor was organized by consolidating the formerly existing bureau of labor statistics, office of factory inspector, and board of mediation and arbitration. Since then the business of factory inspection has been under the charge of the first deputy commissioner of labor. The motive for this consolidation was to economize in the expense of administration. Apart from the possible saving of expense there is very little to commend this action. The business of gathering statistics is an entirely distinct one from that of enforcing the law in factories, and each must interfere with the other when carried out under the authority of a single officer. In theory certainly the two departments should be entirely independent. In practice the work of the

factory inspectors in New York has been more or less interfered with. Inspectors appear quite often more anxious to secure the information desired by the statisticians of the department than to see that the factory law is enforced.

Complaints are constantly being made claiming lack of efficiency of the factory inspection department. It is not the plan of this paper to discuss the efficiency of the officials who have the administration of the law in charge. There can be no doubt that an improvement could be effected if the department could be removed from political influence and doubtless a more efficient corps of inspectors could be obtained if larger salaries were authorized. At present the salary of a deputy is twelve hundred dollars a year.

The administration of the law is assisted to a certain extent by the trade unions of the state and by certain philanthropic organizations, generally the same ones which have been active in securing the enactment of the laws. There is not, however, the best of feeling between the state officials and these outside agencies. The leaders of both labor unions and philanthropic societies are constantly finding fault with what they consider the inefficiency and dishonesty of the factory inspectors. The latter are irritated by what they consider interference on the part of these organizations and failure to understand the difficulties against which they contend. This causes more or less friction which serves to prevent the most effective co-operation between the various agencies interested in the enforcement of the law. The same lack of proper understanding and co-operation has existed to a greater or less degree between the factory inspector's department, the public school officials, and the health officers, all of whom are

concerned with enforcing parts of the factory law. Improvement in this respect can be noticed in recent years and the result is bound to be a more intelligent and effective administration.

The best manufacturers of the state are generally in sympathy with the purposes of the factory law and have little fault to find with its provisions. It is only the small minority which shows any tendency to violate or evade the law.

For convenience in administration the whole state was divided in 1887 into eight districts, and one district was placed in the charge of each of the eight deputy inspectors. A list of the counties in each district with a map showing the boundaries is given in the Appendix.[1]

[1] See Appendix, pp. 175, 176.

CHAPTER IX

CHILD LABOR

Introductory—The most important part of the factory law is undoubtedly that which relates to the employment of children in manufacturing establishments. It was here that the need for legislation was greatest, and it is here that the results of the factory law are most apparent and far-reaching. It is the purpose of this chapter, first, to describe the extent and conditions of child labor previous to the enactment of the first factory law, and then to show what changes have been brought about through the influence of the law. This chapter will be limited to those parts of the factory law which relate specifically to children under sixteen years of age. Those parts of the law which relate to all employees alike will be discussed in a later chapter.

Conditions of Child Labor Prior to 1886.—Before the enactment of the first factory act in 1886, child labor in the factories of the state was practically unregulated.[1]

In regard to conditions at this time we have testimony from a number of different sources. The most important evidence is probably that contained in the second annual report of the New York bureau of labor statistics. The commissioner of labor statistics devoted practically the whole of the year 1884 to an investigation of child labor in the state, and the results of this study, published in the report for 1884, tell a great deal about early conditions. Some testimony also is furnished in the early reports of the state factory inspector. There is also an occasional item from newspapers of the time,

[1] See Chapter I.

and here and there a note from the reports of charitable organizations especially interested in the welfare of children. The writer has also some information from personal interviews with those whose memories extend back to this time.

The evidence from all these sources makes certain facts very plain. The employment of children of tender ages throughout the state was general and widespread. The commissioner of labor statistics took testimony and investigated conditions in Cohoes, Amsterdam, Little Falls, Utica, and New York Mills, all being typical up-state mill towns. The testimony of employers, employees, physicians, clergyman, city officials, and of the children themselves was taken. The fact that children under fourteen were being employed was admitted practically by everyone. The few manufacturers who tried to take only those over fourteen years of age were rare exceptions. The children employed generally ranged in age from eight to fifteen years, though it was not uncommon for them to commence work even younger. Hundreds of children of these ages could be seen every morning and night going to and from the factories. A dozen of the younger children were stopped as they were coming out of one of the mills and questioned as to their ages. The oldest was thirteen. Others were ten, eleven and twelve years of age. Most of them had been at work for more than a year. One child eleven years old had been at work five years. Of a similar group at one of the mills in Utica the oldest was fourteen years of age, the others ranging from ten to fourteen. Several of these children also started work at the age of eight or nine.[1] Much more testimony of this sort is presented in the report of the commissioner

[1] N. Y. bur. labor stat., 1884, pp. 277-286.

of labor statistics but it will be unnecessary to go into this evidence in detail. The towns studied represent typical up-state mill towns. Evidence of the same sort is given in this report regarding child labor in New York City. The employment of children from eight years old up was very general in all kinds of occupations. Children commenced working in the gas houses at eight, nine, and ten years of age. In the cruller bakeries of New York City little children from nine to thirteen years of age worked all night, getting what little sleep they could in the shops during the day time.[1] The commissioner stated that from 1500 to 2000 children under fifteen years of age were employed in the manufacture of paper collars alone in New York City.[2] A number of witnesses testified regarding the employment of children in cigar factories. There was complete agreement on the fact that practically all factories employed children from nine years of age up, the proportion ranging from five to twenty-five per cent. of the whole number of workers. Agents of the Children's Aid Society found children only four years of age thus employed. Numerous other occupations were dependent on the labor of very young children. Many children were engaged in making artificial flowers and feathers and in the candy factories. The jute and hemp mills, pencil factories, paper box and button works, ink factories, etc., showed a similar large employment of young children.[3] The factory inspector stated that before the factory law went into effect thousands of parents allowed their children to grow up without education, placing them in the mills sometimes at eight years

[1] N. Y. bur. labor stat., 1884, p. 155.

[2] N. Y. bur. labor stat., 1884, p. 292.

[3] N. Y. bur. labor stat., 1884, pp. 181, 292.

of age and very frequently not later than their tenth or eleventh year. "It was not uncommon," states the inspector, "for children seven and eight years old to be seen trudging before daylight to the factory and after twelve hours of steady work and confinement trudging back to their homes after dark."[1] The statement was made to the writer by a man who was active in the work of securing the first child labor law, that before the passage of the law children six years old and up were working sixty-six hours a week very commonly.

The factory inspector estimated that 8000 children under thirteen years of age were excluded from the factories of the state during the first year of the enforcement of the factory law,[2] and of course the number thus excluded must have been only a small proportion of the whole number employed. The statement was made by the proprietors of the largest cotton mill in Cohoes that more than 200 children under the age of thirteen were discharged from their establishment alone when the law went into effect, and when the inspector visited the establishment he found a large number of children under thirteen still employed. At that time, out of a total of 3200 employees in this mill, 1200 were children nnder sixteen.[3] During the first year of the enforcement of the factory law the inspector found numerous children who had just passed the legal age of thirteen years who had been in factories five and six years and had never been to school. In some of the mills even the height of the machinery was regulated to the stature of the young children employed. One employer told the inspector that he could not get so

[1] N. Y. fact. insp. rep., 1886, p. 17.

[2] N. Y. fact. insp. rep., 1886, p. 35.

[3] N. Y. fact. insp. rep. 1886, p. 13.

much work out of a fifteen year old boy as he could out of one twelve years old because the former had to stoop so much in operating the machine.[1] More testimony of this sort might be produced from the reports of the commissioner of labor and the factory inspector.

The evidence here given is borne out by a personal visit to Cohoes made by the writer. Nearly a week was spent in Cohoes and the vicinity, and the writer talked with a number of persons who remembered the time when it was a common sight to see crowds of little children seven and eight years of age going to and from the factories every morning and evening. Occasional reference to the general and widespread employment of young children is also to be found in the newspapers during the ten or twelve years preceding 1886. Enough evidence of this sort has probably been given to establish the general and widespread employment of children from seven or eight to fourteen years of age in the factories of the state. Satisfactory figures showing the number of children thus employed are not available. According to the United States census, however, there were in 1880, 24,618 children between the ages of ten and fifteen employed in manufacturing, mechanical, and mining industries in the state of New York.[2] The census of 1900 reports that in 1880 the average number of children under sixteen employed in the manufacturing and mechanical establishments of the state was 29,529.[3] These figures will be produced again below.

The young children employed in factories worked in

[1] N. Y. fact. insp. rep. 1886, p. 17.

[2] U. S. census, 1880, Report on population, p. 722.

[3] U. S. census, 1900, Vol. VIII, p. 580.

general eleven hours a day. This was the normal workday in the up-state towns investigated by the commissioner of labor statistics in 1884. In New York City the hours were from nine to eleven a day. A twelve-hour day was by no means uncommon in many parts of the state.

The result of this extensive employment of young children was evident in the physical condition and lack of education of the children. A great deal of testimony is at hand from physicians and others as to the injurious effects of factory labor upon the young children employed, and from all sources comes evidence regarding the ignorance and lack of intelligence shown by the little factory workers. It was exceedingly common to find children employed in the mills who were totally illiterate, and many children grew up without ever having attended school. A group of twelve children ranging in ages from ten to thirteen years was stopped and questioned by the commissioner of labor statistics as they were leaving one of the Cohoes mills. Only two of these children reported definitely that they had attended school more than one year.[1]

In summing up the evidence, therefore, we may state that previous to 1886 the employment of children between the ages of seven or eight and fourteen years was quite general throughout the state, that the children worked usually eleven hours a day, sometimes even longer, that many children were growing up with practically no school education, and that the result upon the physical and mental condition of the children thus employed was most serious.

Results of the Factory Law: General Testimony. The first factory law was passed on May 18, 1886. It

[1] N. Y. bur. labor stat., 1884, pp. 277–281.

prohibited absolutely the employment of any child under thirteen years of age in any manufacturing establishment. Children under sixteen years of age were required to present a certificate of age verified by the parent or guardian, and the employer of children under sixteen was required to keep a record of all such children. The law of 1886 likewise made it illegal to employ any minor under eighteen years of age, or any woman under twenty-one, more than sixty hours in a week, except for the purpose of making necessary repairs.

Since 1886 numerous other restrictions upon the employment of children have been added to the factory act. In 1889 the age limit was raised to fourteen years and night work was prohibited, and in 1896 board of health certificates were required for all children employed between the ages of fourteen and sixteen. Beginning in 1889, the employment of children under sixteen years of age has also been restricted from year to year by more and more stringent educational requirements. The employment of children on dangerous machinery has likewise been forbidden.

It will be unnecessary at this point to go further into the details of the child labor law. The law aims, first, to prohibit entirely the employment of children under the age of fourteen years (or thirteen, according to the law in force until 1889); and, secondly, to limit the employment of children under sixteen years of age o those who can satisfy certain educational requirements and are physically able to perform their work. It is intended also to limit their labor to ten hours per day and to sixty hours per week.

In the endeavor to show the actual results of the factory law on the employment of children throughout the

state, we have in the first place a mass of evidence from the reports of the factory inspector. A large part of this evidence is of doubtful value, consisting of the most general statements, representing merely the personal opinions of the inspectors, and not based on any conclusive evidence from statistics or elsewhere. For example, we have such statements as this: The deputy inspector for district VI reported in 1888[1] that only two or three children had been found and that those were in factories not visited before. In the same year the inspector for district V reported that in places previously visited no children were found under thirteen, and during the entire year only five were found.[2] The same deputy reported the year before that "the employment of children under thirteen in factories has been entirely abolished, and between the ages of sixteen and thirteen years has been somewhat diminished."[3] The state factory inspector reported in 1887 that although the law had been in force not quite a year and a half, "the resulting benefits are apparent in every manufacturing city and village in the commonwealth. . . . Thousands of children who have been driven or thrown into the hard daily grind of mill life, were set free to enjoy a little sunshine and obtain the rudiments, at least, of an education; manufacturers were required to employ an older class of help and pay them a higher rate of wages; and worthless fathers were forced to work and support their children, instead of obtaining support from their offspring."[4] In 1887 the deputy inspector for district VII estimated that the employment

[1] N. Y. fact. insp. rep., 1888, p. 93.

[2] N. Y. fact. insp. rep., 1887, p. 90.

[3] N. Y. fact. insp. rep., 1887, pp. 108–111.

[4] N. Y. fact. insp. rep., 1887, p. 29.

of children had been reduced at least 25 per cent. in his district, while the deputy for district VI estimated a reduction of 30 per cent.[1] The next year the former deputy estimated that the decrease amounted to 50 per cent.[2] and for the whole state the factory inspector estimated that there was 30 per cent. less child labor than existed three years before.[3]

Any number of such general statements as these might be cited. The few which we have given above are presented for what they are worth, and as examples of what may be found on page after page of the annual reports of the factory inspector.

On one point, however, the testimony of the factory inspector's report is more definite, and that is the question of school attendance. In 1887 the deputy inspector for district V states that he has made inquiries throughout his district and "finds that the attendance at the schools has materially increased the past year. The report of Edward Smith, superintendent of public schools at Syracuse, shows that up to July 1, 1887, there were registered 12,320 pupils, an increase over the year before of 2121; from Oswego I also received information of an increase, and when the children making application for permits were questioned why they had not been at school the reason given was that they had been working, and as they could work no longer they wished to attend school."[4] In the same year the report of the president of the Board of Education of Cohoes showed that the registered attendance at the day schools of that place had increased from 2824 to 3065 during the first year of the enforcement of the factory law, an increase

[1] N. Y. fact. insp. rep., 1887, pp. 108–111.

[2] N. Y. fact. insp. rep., 1888, p. 95.

[3] N. Y. fact. insp. rep., 1888, p. 31.

[4] N. Y. fact. insp. rep., 1887, p. 108.

of nearly 10 per cent. From 1887 to 1888 the school attendance at Rochester increased from 12,341 to 13,330, an increase of 989 in one year. Five schoolhouses in this city had to be enlarged to accommodate the increase, and the schools were still reported overcrowded.[1]

In 1889 it was reported by teachers and school superintendents in different parts of the state that the factory law had had an appreciable effect upon school attendance. Many children acknowledged that they would be in the factories instead of at school except for the law. In the same year the deputy inspector for district II reported that immediately after the passage of the law in 1889 which raised the age limit to fourteen and required an educational test for children under sixteen, there came a demand for school accommodations, and that although several new schoolhouses were erected during the year, the number of children debarred from attending school by lack of accommodations was greater than ever before.[2] From different parts of the state came reports of the opening of night schools as a result of the law of 1889. The inspector for district VII reported in 1889 that in Rochester there were at present six night schools, all over-crowded, where formerly there was only one.[3]

The state factory inspector, in his report for 1895. states that a great decrease in illiteracy has occurred since 1886. "Illiteracy may exist," he says, "but it is no longer the rule among minors in factories." Immediately after the law was amended in 1889 requiring an educational test for children under sixteen, "there was found a lack of school room in every manufacturing center, and in the villages where the children formerly

[1] N. Y. fact. insp. rep., 1888, p. 95.
[2] N. Y. fact. insp. rep., 1889, p. 63.
[3] N. Y. fact. insp. rep., 1889, p. 74.

filled the factories, they soon filled the school-houses. In one candy factory alone ninety illiterate children were discharged. The subject of education and compulsory attendance at school became prominent, and the employment of children was not nearly so prevalent. A demand for more schools went up all over the state. Parents who had neglected the education of their children were now forced to give it attention, when they found that the children were debarred from factory employment until they were sixteen years of age unless they had the rudiments of an education." [1]

Another point on which the statements of the factory inspector are very decided is in regard to the decrease that has taken place in the employment of children under the age of sixteen years, owing to the requirement by the law of the filing of certificates, the keeping of a record book by the employer, the posting of the hours of labor, and a number of other troublesome regulations. Many manufacturers seem to have preferred to hire only children over sixteen years of age rather than be bothered by all these annoying regulations. Statements to this effect are made in every report of the factory inspector.

All this evidence from the reports of the factory inspector must be taken with a certain discount. Where definite figures are given, as in the case of the statements regarding the increase in school attendance, they can probably be relied on. But the majority of the statements are merely expressions of personal opinion, and some allowance must be made for the point of view of the factory inspector. He may perhaps be pardoned for taking a somewhat optimistic view of the results of his work of enforcing the law. At any rate many of

[1] N. Y. fact. insp. rep., 1895, pp. 23–24.

the statements made are obviously exaggerated and statements in the different reports are sometimes contradictory. Still even the expressions of opinion, admittedly somewhat biased, of the officials charged with the enforcement of the law are worth something as evidence, and taken in connection with the other testimony which will be presented they add strength to our conclusions as to the results of the factory law.

In order to satisfy himself as to the results of the law as shown by actual conditions to-day in the factories of the state, a personal investigation was made by the writer. About one week was spent inspecting factories in New York City, and an equal time was devoted to the factories in the up-state cities of Albany and Cohoes. Particular care was taken to notice all children apparently too young for legal employment. In New York City something more than forty establishments were visited, and not a single child was seen who appeared to be under the legal age of fourteen, although three or four were found without the required certificates. Of course too much weight must not be placed on such limited testimony as this. Everyone who is at all familiar with the conditions knows that there are establishments in New York City which are employing young children in violation of the spirit if not the letter of the law. One or two such individual cases have been mentioned above, and numerous other cases have come to the attention of the writer indirectly. Only a careful investigation of every factory in the city would enable one to say just how much of this there is. In spite of all this, however, there seems no reason to doubt that as a general rule there is no great or widespread employment of children under the legal age in the factories of the city. While the conditions of employment are

by no means ideal, especially in the matter of toilet facilities, still very few cases were found by the writer in which children seemed to be engaged in dangerous or unhealthy occupations. This testimony again is limited in its extent and is given only for what it is worth.

The city of Cohoes, situated on the Mohawk River a few miles from Albany, was selected for special investigation for a number of reasons. In the first place, Cohoes is one of the most representative factory cities of the state, containing a number of the largest textile mills in the state of New York. It is, moreover, in such mills as these that the labor of children has been very extensively employed. Again, the city of Cohoes affords a good field for investigation, owing to the fact that in the years before the passage of the factory law the child labor problem was here present in its most serious form. Indeed, with the exception of New York City, the factory inspectors have probably had more trouble with the enforcement of the child labor laws in Cohoes than in any other city of the state. We therefore have a considerable amount of material on early conditions in Cohoes which makes possible a comparison with conditions as they are to-day. As in New York City, the writer devoted special attention to securing evidence as to the extent of child labor and the ages of children employed. Conversations were had with the proprietors or managers of three or four of the largest mills, including the plant which employs the largest number of children. Information was also obtained from employees and from various citizens not connected in any way with the factories. A number of boys met at random on the street were questioned as to what they knew about children employed in the mills. Information

gathered from these sources was supplemented by personal inspections covering three or four of the largest factories from top to bottom, and also by watching the employees entering or leaving the mills.

As was to be expected some contradictory evidence was secured. A foreman in one of the woolen mills said that in one of the largest cotton factories of the city there were whole rooms full of children twelve and thirteen years of age, who worked from seven o'clock in the morning to half past six in the evening during the winter months, commencing work an hour earlier in the summer. These children were concealed or sent out of the building whenever the factory was visited by an inspector. Word was sent through the building in advance of the inspector's visit and it was an easy matter to get the children out of the way. Practically the same statement was made to the writer by a boy who used to work in this mill, and two other boys said that this mill had about fifty children under fourteen years of age who were hustled out of the way whenever the inspector came.

On the other hand these statements were denied by a number of persons who were questioned. One boy who said that he worked in the mill in question denied that there were any young children there under fourteen years of age. A long talk was had with the manager of this mill who stated that no children under fourteen years of age were employed to his knowledge, although he admitted that there might be an occasional case where parents had sworn falsely to a child's age. He stated that the company was finding it to their advantage to employ older children, that they preferred to have those who were over sixteen years of age. A number of other persons were questioned, none of whom

seemed to believe that there was any extensive employment of young children in this or other mills of the city. The writer did not see the children at work in this mill but on several occasions was at the gate as they were going in and out, and he failed to see more than two or three who appeared to be younger than fourteen or physically unfit for factory work. A number of children were questioned as to their ages and as to the ages generally of children in the mills, all of whom spoke of how difficult it was for a child under fourteen to keep his place in the mill for any length of time. One boy who was questioned had tried it himself and had been caught by the truant officer in short order. This establishment was admittedly the one in which young children would be found employed, if anywhere. The woolen mills of the city employ an older class of help, and the evidence of all persons interviewed, as well as the personal investigation of the writer, would seem to show conclusively that there is no extensive employment of young children in these mills.

Further testimony as to the extent of child labor in Cohoes was obtained from the superintendent of public instruction, who stated that the factory and school laws had brought about a great reduction of child labor and a consequent increase in school attendance. He stated that the population of Cohoes was about 24,000. The school population between the ages of five and eighteen according to the last census was 5878. During the school year ending July 1, 1903, there were registered in the public schools 2823 pupils and in the parochial schools 1833, making a total of 4656. According to these figures about eighty per cent of all children between the ages of five and eighteen were registered in the schools of the city. This is in marked

contrast with the report of the president of the Board of Education of Cohoes for the year 1887. At that time the number of children of school age was 7491, while the number registered in the day schools of the city was only 2824. These figures are not exactly comparable, from the fact that in 1887 the term "of school age" included all children between the ages of five and twenty-one, while at present only those betwen five and eighteen are included. A comparison of the two sets of figures, however, shows a most remarkable increase in school attendance. Again, during the past ten years the attendance at the public schools at Cohoes has increased slightly. In the meantime two parochial schools have been started, having at present an attendance of more than half that of the public schools. During this period the population of the city has grown by only a few hundred. This fact also shows a steady increase in school attendance.

From testimony given above and more of the same sort which might be included, the writer is firmly convinced that there can be no general violation of the factory law by the employment of young children in the city of Cohoes and that a remarkable change in this respect has taken place through the influence of the factory law. The importance of this conclusion is increased by the fact that Cohoes is one of the most important manufacturing cities of the state and one in which the child labor evil has in times past been most serious.

Decrease in Child Labor.—Thus far the evidence presented to show that the factory law has been effective in reducing child labor throughout the state has been of a general character. In this section evidence from statistics will be produced to show the same result.

Plenty of testimony has been given to show that large numbers of young children were employed in factories previous to the enactment of the first factory law in 1886. The law absolutely forbade the employment of all children under fourteen years of age (thirteen under the first act). The result is said to have been a large decrease in child labor. The law also places numerous restrictions upon the employment of children under sixteen years of age, and the statement is very commonly made that a great many employers have given up hiring children under that age, rather than go to the annoyance of complying with all the legal regulations necessary for their employment. If the law has been effective, it should be possible to verify these statements by statistics showing a positive decrease in child labor during the years that the factory law has been in force.

The table below has been compiled from the United States census.[1]

AVERAGE NUMBER OF EMPLOYEES—1850–1900.

	1850	1860	1870	1880	1890	1900
Number (in thousands)						
Total	199	230	352	532	752	849
Men 16 years and over	148	177	267	365	545	606
Women 16 years and over	52	53	64	137	194	230
Children under 16	*	*	21	30	12	13
Percentage.						
Total	100.0	100.0	100.0	100.0	100.0	100.0
Men 16 years and over	74.1	76.9	76.0	68.6	72.5	71.3
Women 16 years and over	25.9	23.1	18.1	25.9	25.8	27.1
Children under 16	*	*	5.9	5.6	1.6	1.6
Percentage of increase.						
Total	------	15.4	52.9	51.1	41.5	12.9
Men 16 years and over	------	19.7	51.2	36.3	49.6	11.0
Women 16 years and over	------	3.1	19.9	115.5	41.4	18.4
Children under 16	------	*	*	43.2	-58.5	7.6

The above table gives the average number of employees in the manufacturing and mechanical establishments of

[1] U. S. census, 1900, Vol. VIII, p. 580.

*Not reported separately.

the state of New York during each of the census years from 1850 to 1900. In addition to the total number of employees, the table shows also the number of men sixteen years of age and over, the number of women sixteen years of age and over, and the number of children under sixteen. The table gives also the percentage of employees in each group and the percentage of increase of each group from decade to decade. Children were not enumerated separately until 1870. In 1870 the number of children employed was 20,627, which increased to 29,529 in 1880, then dropped to 12,263 in 1890. In the next ten years the number rose slightly, being 13,139 in 1900. We have here a most remarkable decrease in child labor between the years 1880 and 1890, during which period the first factory act was passed which forbade the employment of children under 13 years of age, and restricted the employment of women under 21 and males under 18 to sixty hours a week, besides requiring the keeping of a register of all children under 16 years of age and the posting of the daily hours of labor for women under 21 and minors under 18. With the exception of the period between 1880 and 1890, the employment of children has been increasing, particularly so between 1870 and 1880. It should be borne in mind in this connection that new restrictions have been placed on the employment of children almost yearly since the enactment of the first law in 1886. Particularly important was the amendment of 1889, which raised the age limit from 13 to 14 years.

So much for the absolute figures. Taking the relative employment of children as compared with men and women, we see the same result brought out very strik-

ingly. In 1870 children formed 5.9% of the total number of employees. In 1880, 5.6%, a very slight decrease. In 1890 the percentage had dropped to 1.6, and it was at the same figure in 1900. From 1870 to 1880 the number of children employed increased by 43.2%, while from 1880 to 1890 there was a decrease of 58.5%, there being a slight increase in the next ten years of 7.6%.

We thus see that the number of children employed dropped more than half in the ten years between 1880 and 1890, during which period the employment of children decreased from 5.6% of the whole number of employees to 1.6%. Of course we must not make the error of crediting the whole of this enormous falling off in child labor to the factory law. Indeed some of the decrease may be only apparent. Different methods of handling the figures in the several census years may have had something to do with the result. Again false statements of parents, employers, and children may be partly accountable for the falling off in 1890 and 1900. While the census enumerators are entirely distinct from the state officials who administer the school and factory laws, it is still very probably that ignorance of this fact or the attempt to be consistent has led to a good many false statements of age. Full weight should be given to these disturbing factors; still it does not seem likely that they have been of sufficient importance to very seriously affect the reliability of the figures. We shall still have an enormous decrease in child labor since 1880, and after making due allowance for other causes there can be no reason for doubting that the factory laws have played an important part in bringing about this remarkable result.[1]

[1] For a more complete analysis and discussion of these statistics, see the U. S. census, 1900, Vol. VII, pp. cxxv–cxxxiii.

Evidence showing the reduction in the employment of children under sixteen years of age is furnished by the statistics of the state factory inspector published in his annual reports. A summary of these statistics for the whole state is given in the table on the following page. Similar tables for each of the eight districts into which the state is divided will be found in the Appendix, from which the percentages of children under sixteen have been taken to form the table on page 130.[1]

The figures in the two tables following speak for themselves. Taking the state as a whole, the percentage of children under sixteen years of age found employed in manufacturing establishments has fallen from 8.4 in 1887 to 2.1 in 1903. These statistics begin in 1887, the second year of the existence of the factory law. The decrease shown, therefore, is in addition to the great reduction which took place during the first year of the operation of the law. No corresponding figures are availabe for the years preceding the enactment of the law, but the factory inspector has estimated that for the five months from July 5 to November 30, 1886, the percentage of children under sixteen was 12.5.[2] Turning to the eight districts into which the state is divided, we see much the same movement in each district.[3] With the exception of districts I and VI, the percentage of children under sixteen employed in each district was in the neighborhood of 9 or 10 in 1887 and has fallen to 2 or 3 in 1900. District I, which comprises Brooklyn

[1] For the absolute numbers by districts and the general discussion and criticism of these statistics from the factory inspector's reports, see Appendix, pp. 174–187.

[2] N. Y. fact. insp. rep., 1901, p. 135.

[3] For a list of counties contained in each of the eight districts, see Appendix, p. 175. See also map on p. 176.

AVERAGE NUMBER OF EMPLOYEES, STATE OF NEW YORK

YEAR	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent of females	Per cent of children under 16
1887	2,178	104,623	64,828	12,049	21,661	7514	6695	14,209	169,451	38.3	8.4
1888	4,731	172,235	105,187	18,625	39,200	9485	8953	18,438	277,422	37.9	6 6
1889	5,111	177,143	100,064	18,547	35,341	8198	7116	15,314	277,207	36.1	5.5
1890	6,190	210,452	116,426	19,878	40,118	7694	6975	14,669	326,878	35.6	4.5
1891	10,097	281,517	140.553	22,923	48,774	9470	8025	17,495	422,070	33.3	4 1
1892	9,570	243,114	131,252	19,281	48,468	7475	6630	14,105	374,366	35.1	3.8
1893	11,038	277,529	138,708	19,986	48,948	7204	6660	13,864	416,237	33 3	3.8
1894	12,886	310,264	150,662	19,785	55,231	6556	5980	12,536	460,926	32.7	2.7
1895	19,178	385,346	173,588	21,755	57,170	6780	6904	13,684	558,934	31.1	2 4
1896	18,854	381,909	166,321	19,815	56,385	5528	6803	12,331	548,230	30.3	2.3
1897	15,012	369,496	137,401	18,926	45,980	4854	4673	9,527	506,897	27.1	1.9
1898	17,099	402,238	160,605	20,141	52,184	5270	6078	11,348	562,843	28.5	2.0
1899	20,116	464,979	182 530	20,375	——	7325	7135	14.460	647,509	28.2	2.2
1900	21,027	484,029	183,799	22,069	——	7769	7203	14,972	667,828	27.5	2.2
1901*	22,516	446,923	199.904	17,870	——	7243	7654	14,997	646,827	30.9	2 3
1902*	28,614	540,459	234.331	20,685	——	8564	8206	16,770	774,790	30.2	2.2
1903*	34,235	611,792	260 598	24,500	——	9058	9102	18,160	872,390	29.9	2.1

* The figures for 1901–1903 do not include children under 14 years of age. There were of these in 1901, 212; in 1902, 292; and in 1903, 460. The figures for 1901 cover only the ten months from December 1, 1900, to September 30, 1901, owing to a change in the official year at the time of the consolidation of the department of labor.

AVERAGE NUMBER OF EMPLOYEES—PERCENTAGE OF CHILDREN UNDER SIXTEEN

YEAR. DISTRICT.	I	II	III	IV	V	VI	VII	VIII	STATE.
1887	6.2	9.2	10.0	8.9	9.9	4.4	8.8	8.2	8.4
1888	4.9	7.0	8.8	6.9	8.2	4.3	5.7	6.7	6.6
1889	5.7	4.2	8.4	4.9	8.0	3.1	4.5	7.4	5.5
1890	3.8	4.4	6.1	4.5	5.6	2.0	3.0	5.9	4.5
1891	4.3	4.1	5.5	3.9	4.6	1.9	3.7	4.6	4.1
1892	4.1	3.5	4.6	4.1	4.2	1.9	3.9	3.6	3.8
1893	3.4	2.6	4.5	3.6	3.3	1.8	4.6	3.9	3.3
1894	2.6	2.4	3.5	2.8	2.8	1 6	3 6	2.9	2.7
1895	2.3	2.0	3.2	2.5	3.3	1.1	3.6	2.7	2.4
1896	2.1	2.0	2.4	2.3	2.6	1.2	2.7	2 9	2.3
1897	2.1	1.5	2.3	1.7	2.2	1.2	2.3	2.4	1.9
1898	2.0	1.7	2.5	1.1	2.7	1.1	2.6	2.4	2.0
1899	2.7	1.7	2.3	2.1	3.0	1.4	2.5	2.5	2.2
1900	2.9	1.9	2.9	1.9	2.8	1.2	2.3	2.2	2.2

and the rest of Long Island, has apparently been less affected than the other districts. Only 6.2% of the employees in 1887 were children under sixteen, while in 1900 2.9% were children, being a larger proportion than in most of the other districts. District VI, which embraces the counties in the southern-central part of the state has had the least child labor of any of the districts during the whole period. The percentage was 4.4 in 1887 and 1.2 in 1900. Throughout the state in general the decrease in the relative employment of children was quite rapid during the first few years. The lowest point was reached in 1897. Since then the proportion of children has remained nearly constant, being slightly over two per cent.

In connection with these figures two facts should be borne in mind. In the first place it must be remembered that the figures given do not cover all the factories in the state but only those which were visited during a given year by an inspector. During the early years the force of inspectors was small and it was impossible to visit more than a small fraction of the manufacturing establishments of the state. Since then the number of factories visited has steadily increased and during the latter years the inspectors have planned to visit practically every establishment affected by the factory law at least once a year. This brings us to the second fact to be remembered. During the early years when it was impossible to visit all the factories of the state, the inspectors naturally selected for their visits those establishments employing the largest proportion of children and women and those in which they expected to find the most numerous violations of the law. This would, of course, operate to increase the relative number of children found employed during the earlier

years as compared with later years in which the inspections have included also those establlshments employing few children or none at all. This circumstance is perhaps counteracted in some degree by the increasing number and experience of inspectors, enabling them more accurately to arrive at the ages of employees and making it harder for children employed to escape detection. Giving due weight to these circumstances we are still justified in regarding these figures from the factory inspector's reports as positive evidence showing a great decrease in the relative employment of children under the age of sixteen.

Effect of the Factory Laws on Illiteracy:—Theoretically the factory law ought to decrease illiteracy in two ways. In the first place, the chief excuse presented for non-attendance at school is that the children have to work. The desire for their earnings is the principal reason which leads parents to keep their children out of school. Where it is impossible for the children to work, they are pretty likely to be sent to school. The factory laws, in forbidding the employment of children under fourteen or thirteen should have the effect of sending more children to school and so decreasing the proportion of illiteracy in the population. In the second place, the law imposes certain educational requirements upon children under sixteen years of age. These restrictions should operate directly to reduce illiteracy. Statements are frequently made, especially by the factory inspectors, that the number of illiterate children found in factories has decreased enormously since the factory laws went into effect.

For direct statistical evidence on this subject we may turn again to the United States census. The table on the following page is compiled from the census reports of

ILLITERATE POPULATION, 10 YEARS OF AGE AND OVER, 1880–1900.

		Total		10–14 years		15–20 years		Over 20 years	
		Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
1880	Aggregate	219,600	5.5	12,680	2.5	14,736	2.4	192,184	6.7
	Native white	59,516	2.2	12,152	2.4	13,973	2.3	182,050	6.4
	Foreign white	148,659	12.5						
	Colored	11,425	21.2	528	9.7	763	10.9	10,134	24.5
						15–19 years		Over 19 years	
1890	Aggregate	266,911	5.5	7,669	1.4	16,115	2.8	243,122	6.6
	Native white	57,362	1.8	4,200	0.9	5,400	1.1	47,762	2.1
	Foreign white	198,136	13.1	3,087	5.4	10,173	11.8	184,876	13.5
	Colored	11,413	18.4	382	6.4	542	8.1	10,484	21.2
1900	Aggregate	318,100	5.5	4,740	0.7	19,526*	3.0*	293,834*	6.5*
	Native white	47,350	1.2	1,491	0.3	3,236	0.6	42,623	1.5
	Foreign white	258,423	14.0	3,084	4.6	15,677	13.0	239,662	14.5
	Colored	12,327	12.8	165	2.3	613*	6.1*	11,549*	14.6*

*See note on next page.

1880, 1890, and 1900. This table gives the total illiterate population ten years of age and over for each of the census years. The figures are also given for the illiterate population separated into age groups; namely, from 10 to 14 years of age, from 15 to 19, and over 19 years

Note to table on preceding page. These numbers are the result of a computation necessitated by the fact that the general tables of illiteracy in the census of 1900 make the dividing line for age groups between the ages of 20 and 21, which would make comparison with 1890 impossible for the group included between the ages of 15 and 19 years. The census for 1900, however, gave the figures for the illiterate native white population 15 to 19 years of age, and for the illiterate foreign population of these ages, omitting only the figures for the aggregate number of illiterates, 15 to 19 years of age. This figure could have been obtained by adding the various nativity groups, excepting for the fact that the figures were not given for the number of colored illiterates. Figures were given, however, for illiterate negroes within this age group, and since the negroes comprise the greater part of the colored population for the state of New York, it was possible to estimate the rest of the colored population with a fair degree of accuracy.

This number was estimated by the following process: the number of illiterate negroes between the ages of 15 and 20 is reported as 606, while the number of all colored illiterates between those ages is 828, the number of negroes being 73% of the whole number of colored illiterates. The number of illiterate negroes from 15 to 19 years of age was 449. We may assume that the dropping of those 20 years of age would leave the proportion between negroes and the total colored illiterates about the same. If we make this assumption, namely, that the number of negroes, 449, is 73% of the total number of colored illiterates, we obtain 613 for the number of colored illiterates between the ages of 15 and 19. In other words, the desired number is obtained by the proportion

$$606 : 828 :: 449 : x$$

from which we obtain $x = 613$. This number is, of course, only an approximation, but the colored population of New York is of such relatively small importance that this approximation is sufficiently accurate for our purpose. An error equal to the total colored population, other than negroes, would mean an error of less than 1% in the aggregate number of illiterates in this age group: and when we come to obtain the percentage of illiterates even an error as absurdly large as this would become negligible. Having thus estimated the number of colored illiterates between 15 and 19 years of age, the other starred numbers follow from a mere arithmetical calculation.

of age, except that in 1880 the division is between 15 and 20, and those over 20. The illiterate population within each of the age groups and in the aggregate is subdivided according to nativity, into native white, foreign white, and colored.

Taking first the figures for the total illiterate population ten years of age and over, the table shows that the number of illiterates has increased throughout the twenty years at practically the same rate as the population, so that the ratio of illiterates to the total population ten years of age and over has remained stationary, being 5.5 per cent in each of the three census years.

A study of the groups according to nativity, however, brings out some important facts. It appears at once that the foreign whites are largely responsible for the illiteracy among the whole population and also that the percentage of illiteracy among foreign whites has increased, being 12.5 in 1880; 13.1 in 1890; and 14 in 1900. The percentage of illiteracy among the native whites has decreased during each decade. In 1880, 2.2% of the native white population, ten years of age and over, were illiterate. In 1890, the percentage is 1.8, while in 1900 only 1.2% are reported illiterate. It appears then that while the percentage of illiteracy among the foreign whites has been steadily increasing, that among the native whites has very materially decreased. The absolute numbers of illiterates among the native white population ten years of age and over were 59,516 in 1880; 57,362 in 1890; and 47,350 in 1900.

Now the native whites are the class of the population which has been mainly affected by the operation of the factory laws. The foreign white population is very largely comprised in the higher age groups which are

unaffected by the restrictions of the law. The following table will make this point clear.

FOREIGN BORN WHITE POPULATION, 1890–1900.

Ages	1890		1900	
	Number	Per cent	Number	Per cent
All ages	1,565,692	100.0	1,889,523	100.0
0–14 years	111,091	7.1	112,049	5.9
Over 14 years	1,454,601	92 9	1,777,474	94.1
0–19 years	197,158	12.6	232,636	12.4
Over 19 years	1,368,534	87.4	1,656,887	87.6

This table shows that in 1900, 94% of the foreign white population was over the age of fourteen, that is, above the age limit for the employment of children in factories; while 87 per cent were above the age of nineteen years, and so were entirely unaffected by the educational restrictions of the factory law. The same fact is shown by the figures for 1890. The small number of children among the foreign white population thus explains the slight effect of the factory law in decreasing illiteracy among them, while the number of illiterates is being constantly swelled by the fresh immigration of adult foreigners.

We have then a decided decrease of illiteracy among the native white population ten years of age and over during the two decades within which the factory laws have been in operation.

If we turn now to the figures for illiterate children between the ages of 10 and 14 years, we find a more striking result, particularly in view of the fact that it is just among children of these ages that the results of the factory act should be most directly apparent. In 1880 there were 12,680 illiterate children between the

ages of 10 and 14 years. In 1890 there were 7669; and in 1900, 4740. In 1880, the illiterate children between the ages of 10 and 14 constituted 2.5 per cent. of the total number of children of those ages. In 1890 the percentage of illiteracy was 1.4, while in 1900 only .7 per cent. of the children between the ages of 10 and 14 are reported illiterate. This shows a very decided decrease in illiterate children, both in absolute numbers and in proportion to the total number of children. The percentage of illiteracy decreased by exactly half from 1890 to 1900, and the proportional decrease was almost as great in the ten years previous.

Unfortunately the census for 1880 does not distinguish between native white and foreign white within this age group. We can distinguish, however, between the native born and foreign born white children in the figures for 1890 and 1900. In 1890, 5.4 per cent. of the foreign born children between the ages of 10 and 14 were reported illiterate. This percentage has decreased to 4.6 in 1900. It is among the native born white, however, that the decrease is most remarkable. In 1890 there were 4200 illiterate children of native birth, being .9 per cent. of the total number of children of native birth within this age group. In 1900 there were only 1491 illiterate children which was only .3 per cent. of the total number of native born children between those ages. This is a decrease of two-thirds in the relative illiteracy and almost as great a decrease in the absolute number of illiterate children. The decrease among illiterate children of foreign birth while not so great as among the native born is still quite considerable and is worthy of note as showing that while the total foreign population has been increasing in illiteracy, the children of school age, and of the age in which factory employ-

ment is forbidden, have been quite materially decreasing in illiteracy.

The statistics in the next age group, 15 to 19 years, might be of some value, but unfortunately the census or 1880 placed in this group all those between the ages of 15 and 20 years, so that no comparison is possible between 1880 and the two later years. If we compare 1890 and 1900 we shall find practically the same results as have already been noticed. There has been a very slight increase in the total number of illiterates in this age group. The percentage of illiteracy has risen from 2.8 to 3. As in the case of the total population, however, this increase is more than accounted for by the increased illiteracy among the foreign born white population, while illiteracy among the native born whites has fallen from 1.1 per cent. in 1890 to .6 per cent. in 1900, a decrease of almost one half.

The next age group including those twenty years of age and over is given merely for the sake of completeness and has no special significance for our purpose.

We may say in summing up, therefore, that the United States census statistics show a decided decrease of illiteracy, both absolute and relative to the total population, among those classes of the population whose school attendance would be affected by the operation of the factory law. It is, of course, not to be pretended that this result has been brought about entirely through the force of the factory law and it would be an impossible task to attempt to eliminate all other causes. As has been shown in another chapter, the compulsory school law was practically a dead letter in 1880 and since that time has been greatly improved both in wording and in administration, and this law has doubtless been very influential in decreasing the relative illiteracy of the

younger population. We have already pointed out, however, that the labor law and the school law work hand in hand, both in the removal of children from factory employment and in increasing attendance of children at school, and the general result must be attributed to both of these factors. To say just how much is due to one and how much to the other would be impossible. There are doubtless other causes which have operated toward the same result and which it would be useless to try to eliminate. The fact remains that a remarkable decrease in illiteracy has taken place during the years in which the factory law has been in operation and it is fair to assume that this fact is something more than a coincidence.

The Law of 1903.—Before concluding this chapter on child labor there are certain results already evident from the operation of the law of 1903 which are worthy of mention. It will be remembered that the essential feature of the amendment of 1903 was a general stiffening of the conditions under which work certificates are granted. This was accomplished in the main by requiring documentary evidence of age in place of the parent's affidavit and by a very much stricter educational requirement. The amendment of 1903 went into force on October 1st of that year and of course has not been in operation long enough to allow of any broad result being shown. One or two points of interest have, however, appeared even in this short time.

The following table taken from the reports of the Health Department of New York City gives figures regarding the granting of certificates for employment in mercantile and manufacturing establishments since the law requiring board of health certificates went into effect in 1896.

EMPLOYMENT CERTIFICATES, NEW YORK CITY, 1896–1903.

YEAR	Children applying	Permits granted	Permits refused	Duplicates
1896	6,467	5,856	609	----
1897	12,812	9,021	3320	194
1898	16,892	15,353	1530	----
1899	29,544	20,345	1697	485
1900	30,895	22,296	1714	1218
1901	30,406	23,492	2203	1456
1902	22,086	14,482	3024	576
1903	29,367	13,366	4671	410

This table is introduced here for the sake of the comparison between the figures for 1902 and 1903. It will be seen that although the number of applications for certificates was greater in 1903 than in 1902 by about one-third, yet the number of permits granted in the latter year is about a thousand less than in 1902. The number refused is greater by more than half. The effect of the new law is seen still more clearly in the fact that during the months of October, November and December, 1903, 2922 certificates were issued, being sixty-seven per cent. of all who applied; whereas during the same months of the preceding year 4353 were issued which was eighty per cent. of the number of applications. Such figures as these, coming so quickly after its enactment, seems to promise excellent results from the new law.

The following figures taken from the quarterly bulletins of the state department of labor show the number of employment certificates issued in the eight leading cities of the state by quarters, from the last quarter of 1902 to the last quarter of 1904. The value of the figures is lessened by the fact that sometimes the number of certificates for employment in factories only is given, while in other cases the numbers are for both factory

and mercantile certificates. Of course no very nice comparisons can be drawn from these figures; still they are accurate enough to show a great decrease in the number of employment certificates issued since the law of 1903 went into effect. Particularly striking is the comparison between the third quarters (July, August, and September) of 1903 and 1904, the remarkable decrease being due to the fact that vacation certificates are no longer allowed.

EMPLOYMENT CERTIFICATES, EIGHT LEADING CITIES.

Cities	1902	1903				1904		
	4th Quar.	1st Quar.	2nd Quar.	3rd Quar.	4th Quar.	1st Quar.	2nd Quar.	3rd Quar.
N. Y. City	2129	2179	2295	6024	1623	1766	2312	1905
Buffalo	378	252	735	795	123	137	215	231
Rochester	183	174	312	542	164	87	209	237
Syracuse	135	151	195	232	83	44	67	72
Albany	113	101	209	248	57	21	36	41
Troy	112	133	197	253	38	25	65	51
Utica	----	138	168	106	--	63	71	93
Schenectady	39	37	63	52	45	12	29	15

The following table shows the causes for which certificates were refused by the New York City Board of Health during the last three months of 1903.

Board of Health, 55th Street.		
Insufficient tuition (schooling)	176	
Insufficient education (can not read and write)	20	
Insufficient evidence of age	15	
Under age	39	
Over age	4	
Total		254
Board of Health, Elm Street.		
Insufficient tuition	13	
Insufficient education	12	
Insufficient evidence of age	70	
Under age	9	
Over age	5	
Physically incapacitated	1	
Total		110

During the first quarter of 1904, 1361 applications were refused for the following reasons:

Tuition	480	
Education	244	
Under age	77	
Insufficient evidence as to date of birth	560	
Total		1361

The following figures give some idea of the kind of evidence of age which is being filed regarding children in New York City under the operation of the new law.

Brooklyn 34 Cases

Birth certificates	5	
Baptismal certificates	24	
Catholic	15	
Lutheran	6	
Other protestant	3	
Jewish confirmation certificates	4	
Jewish religious statement (not legal)	1	
Passport	–	
Total		34

Manhattan (Main Office) 83 Cases.

Birth certificates	45	
Baptismal certificates	34	
Jewish confirmation certificates	2	
Jewish religious statement	–	
Passports	2	
Total		83

Manhattan (Elm Street) 100 Cases.

Birth certificates	39	
Baptismal certificates	28	
Jewish confirmation certificates	18	
Jewish religious statement	–	
School entrance record (not legal)	12	
Passport	3	
Total		100

From the testimony presented in this chapter it seems possible to draw but one conclusion, namely, that the factory law has been effective to a remarkable degree in bringing about the results for which it was designed.

Evidence has been brought forward from a great variety of wholly independent sources all pointing toward the same result. In twenty years the number of children employed in factories has been greatly reduced, and that in spite of the growth in the population and industries of the state which has taken place during the same interval. As compared with adult employees, the reduction in child labor is still more striking. Hours of labor have been reduced from 11 or 12 to 9 or 10. School attendance has been increased and illiteracy has been reduced to a remarkable degree among those classes of the population affected by the law. Evils still exist and the child labor problem is not by any means solved. Important results, however can be confidently expected from the new law of 1903, and all the signs of the present point toward a continuation of the movement against the evils of child labor whose past history has just been recounted.

CHAPTER X

THE EMPLOYMENT OF WOMEN AND MINORS

Introductory—In treating of the results of the factory law on the work of women and minors, only those parts of the law which relate specifically to them will be taken up in this chapter. The provisions of the law which affect women and minors equally with all other classes of employees are discussed in the next chapter. By women and minors we are to be understood as meaning women of all ages and male minors under eighteen years of age, except in so far as those under sixteeen have been already treated of in a previous chapter.

The factory law regulates the employment of women and minors by the following provisions. In the first place their labor is limited to ten hours a day or sixty hours a week. Night work between the hours of 9 P. M. and 6 A. M. is also forbidden. Previous to 1899 these restrictions of the hours of labor applied to boys under the age of eighteen and women under twenty-one. In that year, however, the restriction was extended to all women. The law also makes it illegal for women under twenty-one years of age and males under eighteen to clean machinery while in motion, and they are prohibited from working at polishing or buffing on articles made of the baser metals. Finally the law provides that water closets and wash rooms shall be provided for all female employees, separate from those used by men and having separate approaches; dressing rooms must be provided for women and girls when required by the factory inspector, and seats must be provided and their use allowed so far as necessary for the health of female employees.

These provisions are not nearly so radical as the parts of the law which regulate child labor, and evidence to show results is not so easily obtainable. We have some testimony on early conditions from the report of the bureau of labor statistics for 1885, and on results of the law in the general statements made from year to year in the annual reports of the factory inspector. The statistical tables in the latter reports give some material on hours of labor and number of women employed, and on this latter point testimony is also furnished by the United States census. As in the case of child labor, the testimony available from other sources has been supplemented by the personal investigation of the writer.

Hours of Labor.—No thoroughly satisfactory figures are available to show the hours of labor prevalent before the factory law went into force. The matter was investigated by the commissioner of labor statistics, who sent out blanks containing a number of questions to working women through the state. The answers received are tabulated in the report for 1885.[1] These figures show that out of 734 women employed in various occupations who sent in answers, 485 were working ten hours a day or less, while the remaining 249 were working more than ten hours a day. The longest hours were reported by those who were engaged in the cigar making trade in New York City. Out of 150 reporting, only 34 worked ten hours a day or less, while 116 were employed from eleven to eighteen hours. The table below gives the full figures for these cigarmakers.

The other trades in which long hours prevailed were the clothing trade in New York City, in which 18 out of 35 answers reported a longer working day than ten

[1] N. Y. bur. labor stat., 1885, pp. 32–59.

CIGAR MAKERS, NEW YORK CITY

Number of employees reporting	150
Number working 10 hours or less	34
" " 11 "	2
" " 12 "	4
" " 14 "	9
" " 15 "	15
" " 16 "	32
" " 17 "	31
" " 18 "	23
Total number working more than 10 hours	116

hours; the knitting mills of Amsterdam and Little Falls where, out of 47 reporting, all but 4 were working eleven hours a day; and the silk weaving trade of New York City in which 58 out of 109 reporting were working more than ten hours a day. The remaining 393 employees who sent answers were engaged in a number of miscellaneous trades and only 14 reported a working day of more than ten hours.

We would not be justified in drawing any general conclusions from so limited a number of cases. On the general question of hours of labor the commissioner of labor statistics states in 1885 that in the large factories and workshops of New York City the working hours of women are quite regular and range from 7 or 7:30 A. M. to 5 or 5:30 P. M., making thus a working day of from nine to ten hours. In many of the large manufacturing towns of the interior, however, the hours were considerably longer, according to this report. Occasionally working hours were lengthened when there was a busy season. In the smaller establishments the hours were commonly very long; bakeries, candy shops, millinery and fancy stores kept long hours.[1]

In the course of the investigation of child labor carried on by the bureau of labor statistics, it was made

[1] N. Y. bur. labor stat., 1885, p. 169.

fairly clear that the normal working day in most of the mills of Cohoes, Amsterdam, Little Falls, Utica and New York Mills was eleven hours, with occasionally an establishment running twelve hours.

At the end of the report on workingwomen, the commissioner of labor statistics states as his conclusion: "That the workingwomen of New York City and other portions of the state are subjected to excessive hours of labor . . . . . there can be no reasonable doubt. All the testimony taken proves it beyond a doubt."[1]

Some further testimony is furnished by the early reports of the factory inspector. In the report for 1886, the first year of the factory law, it is estimated that there were at that time about 150,000 women under twenty-one and minors under eighteen years of age employed in the manufacturing establishments of the state, and that of these about 75,000 had been regularly working from sixty-one to one hundred hours a week. The principal occupations in which long hours prevailed were the cotton, silk, wool, and textile industries; printing establishments, bakeshops, shoeshops, and cigar factories being included to a lesser degree.[2] The state factory inspector states that before the passage of the factory law it was usual to hire boys between fifteen and eighteen years of age as helpers in the glass factories and paper mills, who had to work twelve hours a day and seven days a week or eighty-four hours every week. This, he says, was completely stopped by the factory law during the first year of its enforcement.[3]

During the first few years of the enforcement of the factory law, the inspectors reported that the number of

[1] N. Y. bur. labor stat., 1885, p. 609.

[2] N. Y. fact. insp. rep., 1886, p. 23.

[3] N. Y. fact. insp. rep., 1887, pp. 26-27.

establishments in which women were employed more than sixty hours a week was being rapidly reduced to a minimum. The New York City sweat shops were an exception; the inspectors admitted that it was impossible to enforce the laws there and that very long hours prevailed. Outside of these places the inspectors reported that the law was being generally complied with and had resulted in shortening the hours in a great number of establishments. In 1890 the factory inspector stated, regarding hours of labor of women and minors, that outside of the New York sweat shops there had been very little disobedience of the statute. "Every important manufactory in this state, which formerly required sixty-six or more hours of labor as a week's work, is now running on sixty or less hours as the limit, and the testimony of the proprietors thereof is to the effect that their production is increased instead of diminished at the same time."[1] Two years later the factory inspector reported that the law was generally observed except possibly where there was a sudden rush of orders, and that over-time was rarely required. In the same connection the following statement is made:

> There is a tendency toward shorter hours. In New York City, outside of a few trades, 55½ hours seems to be considered a week's work. Hours of labor are shorter in New York City than elsewhere, and the Saturday half-holiday more generally observed. Sixty-six hours is still considered a week's work in sweat shops. In Brooklyn, Buffalo, Rochester, Syracuse, Albany and Troy, 59 hours is usually considered a week's work. In the smaller cities it is 60 hours. Where the Saturday half-holiday is observed, the time thus taken off is added to the working time of other days, as in Cohoes.[2]

Of course such general statements as these, when not

[1] N. Y. fact. insp. rep., 1890, p. 26.
[2] N. Y. fact. insp. rep., 1892, p. 25.

based on definite figures or evidence of any sort, must be taken guardedly. They are given here for what they are worth. It seems fair to assume, however, that they do show some reduction in the overworking of women and minors; just how extensive this overworking was before the law was enacted and just how great the reduction caused by the law has been cannot be decided from such statements.

Similar general statements are all the evidence that we have from the reports of the factory inspector regarding the effect of the law of 1889 forbidding night work on the part of women under twenty-one years of age and minors under eighteen. Thus in the report for 1889 it is stated that during the five months that had elapsed since the law went into effect "several hundred young women and boys" had been stopped from working at night.[2] Other statements of this sort might be given.

For more definite evidence on the question of hours of labor we would naturally turn to the statistics published annually in the reports of the factory inspector. Beginning in 1887, the second year of the factory law, these statistics show the weekly hours of labor required in each establishment inspected. The original plan of these figures was apparently to determine the hours of labor of women and minors, and the heading of the column in which the figures appear is "Hours of labor of minors" or "Hours of labor of women and minors." Beginning in 1897, however, the column has been headed simply "Hours of labor." As a matter of fact it had been the practice of the inspectors for many years previous to 1897 to report the prevailing hours of labor in all establishments regardless of whether women

[2] N. Y. fact. insp. rep., 1889, p. 28.

and minors were employed. It is therefore not possible to use these figures to show any effect of the factory law on hours of labor of women and minors as distinguished from adult male employees. It should also be remembered that until recently the inspection of any one year has never covered all the establishments of the state. Different localities or industries would in turn receive special attention. This further reduces the value of the figures, and probably makes impossible any positive conclusions from them as to the hours of labor of employees in general. The statistics, however, occupy an important place in the annual reports of the factory inspector, and the following summary and discussion are accordingly given for what they are worth.

The accompanying table is a summary of the yearly statistics and shows the number of factories in which the weekly hours of labor are 48 hours or less, 49 to 54 hours, 55 to 60 hours, 61 to 66 hours, and 67 hours or more; the percentage of factories in each group is also given.

The figures would seem to show that throughout the period from 1887 to 1900 there has been a general tendency toward shorter hours of labor. As a rough approximation it may be said that about three-fourths of the factories of the state work from 55 to 60 hours a week. Something more than half of the remaining establishments work from 49 to 54 hours. The rest, constituting about ten per cent. of all the factories in the state, work either less than 49 hours or more than 60 hours. The great bulk of the factories of the state are, therefore, contained in the two groups of those working 49 to 54 hours and those working from 55 to 60 hours per week. It is in these two groups also that

WEEKLY HOURS OF LABOR, 1887–1900 STATE OF NEW YORK

Year	Number of Factories Working													
	48 or less		49–54		55–60		61–66		67 or more		Total reported		Not rep.	Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
1887	102	4.8	239	11.2	1,771	82 7	18	0.8	11	0.5	2,141	100	37	2,178
1888	236	5.1	970	20.8	3,351	72.0	74	1.6	22	0.5	4,653	100	78	4,731
1889	216	4.3	1065	21.2	3,652	72 6	72	1.4	28	0.6	5,033	100	78	5,111
1890	295	4.9	1084	17.9	4,407	72.9	206	3 4	51	0.8	6,043	100	147	6,190
1891	553	5.5	1881	18.8	6,821	68.3	581	5.8	147	1.5	9,983	100	114	10,097
1892	521	5.5	1304	13.6	6,776	70.9	847	8 9	111	1.2	9,559	100	21	9,580
1893	596	5.5	1426	13.1	7,827	71.7	917	8.4	145	1.3	10,911	100	127	11,038
1894	841	6.6	1864	14.6	9,225	72.2	620	4.9	232	1.8	12,782	100	104	12,886
1895	1328	6 9	3171	16.6	14,180	74.1	269	1.4	194	1.0	19,142	100	36	19.178
1896	1157	6.1	3724	19 8	13,519	71.8	215	1.1	211	1.1	18,826	100	28	18,854
1897	1404	9.4	3225	21.6	9,920	66.3	118	0 8	288	1.9	14 955	100	57	15 012
1898	1574	9.2	3609	21.1	11,367	66.5	158	0.9	380	2.2	17,088	100	11	17,099
1899	1864	9 3	4049	20.2	13,535	67.4	131	0.7	497	2.5	20,076	100	40	20,116
1900	1590	7.6	4569	21.7	14,184	67.5	144	0.7	534	2.5	21,021	100	6	21,027

the most noticeable reduction of hours has taken place. In 1887 82.7% of the factories inspected were working from 55 to 60 hours per week while only 11.2% worked 49 to 54 hours. Since then the former number has decidedly decreased while the latter number has increased, and in 1900 only 67.5% were working 55 to 60 hours while 21.7% were working 49 to 54 hours. There has also been a slight increase in the relative number of establishments working 48 hours or less, the percentage being 4.8 in 1887, 7.6 in 1900.

The relative number of factories working 61 to 66 hours increased very decidedly from 1887, being .8% in that year and reaching a climax of 8.9% in 1892. Since then it has decreased till in 1900 the percentage was .7, practically the same as in the beginning. The percentage of factories working 67 hours or more increased quite steadily throughout the whole period.

It is clear, therefore, that the movement toward reduction of hours has come in exactly those establishments where the restrictions of the factory law do not apply. The factory law merely limits the hours of labor of women and minors to sixty per week. There is nothing in the law to cause establishments which in 1887 were running not more than 60 hours a week to reduce their hours of labor, but it is just these factories which show a reduction. On the other hand, if the factory law has had any influence at all, it should have caused a reduction in the relative number of establishments working more than sixty hours per week. But here we find that there has been an increase. The percentages of factories working more than 60 hours per week from year to year are as follows:

1887---- 1.3	1892---- 10 1	1897---- 2.7
1888---- 2.1	1893---- 9.7	1898---- 3.1
1889---- 2.0	1894---- 6 7	1899---- 3.2
1890---- 4.2	1895---- 2.4	1900---- 3.2
1891---- 7.3	1896---- 2.2	

It is probable that there has been a general reduction of hours of labor throughout the state, such as is shown by the factory inspector's statistics. There is nothing in the statistics, however, to show that this result has been at all due to the operation of the factory law, even if we had not already seen that the character of the statistics themselves would make impossible the drawing of any conclusion as to the effect of the factory law on the hours of labor of women and minors. The slight increase in the relative number of establishments working over 60 hours a week is probably due to the increase in the number of places visited from year to year, making possible the inspection of a larger proportion of establishments employing only men.

To the evidence presented on the question of the hours of labor of women and minors the writer has little to add from his personal investigation. The matter of hours of labor is one that cannot be settled by merely visiting the factories. So far as could be ascertained, however, employers appeared to be observing the law in all the establishments visited. A large number of manufacturers were questioned about the matter and without exception stated that they had no fault to find with the law and were doing their best to keep within it. These statements were undoubtedly true in the majority of cases. All information that could be gained from conversation with employers, employees, and others went to show that in practically all the establishments visited women and minors were working not more than ten hours a day or sixty hours a week.

From the foregoing discussion the following conclusions would seem to be warranted. Before the passage of the factory law the hours of labor in factories were somewhat longer than they are to-day. There was no general prevalence of excessively long hours for women and minors. Still eleven and even twelve hours were very commonly considered a day's labor and eleven hours was the normal day in many of the important manufacturing cities of the interior of the state. In the large establishments of New York City hours were shorter, but on the other hand excessively long hours prevailed in some trades and in many of the small shops of the City. With the enactment of the factory law there came a very considerable reduction in hours among those establishments which were formerly running more than ten hours a day, without causing any serious inconvenience to manufacturers. Since then hours of labor for all classes of employees have been somewhat reduced; whether or not the factory law has contributed toward this result is not shown by the evidence.

Toilet Arrangements, etc.—The parts of the law relating to toilet facilities are among its most important provisions. The subject, however, is one on which it is hard to get definite and conclusive evidence. Some few figures are available but for the most part we must rely on general statements from those who are in a position to know about conditions. In the investigation into the conditions of working women made by the bureau of labor statistics in 1885, which has already been referred to a number of times, one of the questions on the blanks sent out was as to whether separate water closets were provided for women in their places of employment. Out of 810 answers received, 509 said yes, 126 no, while

175 left this question unanswered.[1] The large number of blanks shows the difficulty of getting information on this point. It is fair to assume that in at least a majority of these cases the answer would have been in the negative. It is always a hard matter to get employees to answer questions which show fault on the part of their employers, the fear of discharge in case of detection being stronger than the desire to have conditions improved. Limited as the above figures are, they still show a remarkable lack of compliance with the requirements of common decency. The commissioner stated that there was the highest medical authority for the statement that the health of female employees was being seriously threatened through their unwillingness to make use of the toilet facilities provided by their employers.[2]

The same lack of care for the well-being of women employees is shown in the answers to the question whether or not proper and separate facilities for change of dress were provided for male and female employees. Out of the 810 answers, 354 report yes, 221 say no, while 235 are blank.[3] The difficulty of getting answers to such questions is again shown.

The very common failure to provide separate toilet facilities for female employees was noticed by the state factory inspector and his assistant, and commented on in their first and second reports. In 1886 they recommended that the matter be regulated by law and stated that "our observation convinces us that such a law is necessary in the extreme."[4] The conditions existing be-

[1] N. Y. bur. labor stat., 1885, pp. 151–152.

[2] N. Y. bur. labor stat., 1885, p. 146.

[3] N. Y. bur. labor stat., 1885, pp. 151–152.

[4] N. Y. fact. insp. rep., 1886, p. 20.

fore the passage of the law are described by the factory inspector in the following paragraph:

"Very few manufacturers in constructing their buildings ever gave the subject a moment's consideration, and the result is that the water closets for males and females adjoin each other in ninety-five per cent of the workshops and factories throughout the state where females are employed, and in hundreds of cases both sexes use the same retiring rooms. In New York City in places where from twenty-five to 200 hands are at work, this was especially the case, and extreme difficulty was met in convincing employers that different arrangements must be made in order that the law be complied with."[1]

The law was passed in 1887 which required that water closets be provided for female employees, "separate and apart from those used by males," etc. The factory inspector construed this to mean that closets must not adjoin each other and made it his rule to require a space of at least ten feet between them. Many manufacturers held that the law was satisfied by a mere board partition for separation. A great deal of trouble arose in consequence and the question has apparently never been definitely settled.

There can be no doubt that the law has accomplished much good. In the statistical tables in the factory inspector's report for 1887, it is reported for each establishment inspected whether or not separate closets are provided, and in nearly all cases where women are employed, the answer is in the affirmative, although in New York City a large number are reported in the negative. Outside of New York City the reports show that the law was quite generally complied with. The figures given in 1887 are not continued in later reports and we have no statistics of present conditions. State-

[1] N. Y. fact. insp. rep., 1887, pp. 45–46.

ments from a great many persons who are familiar with conditions and the personal inspection by the writer of some sixty or seventy establishments, of different sorts and in different sections of the state, tend to show that separate toilet facilities, in compliance with the law, are provided almost universally. This broad statement must be qualified, however, by excepting New York City. In the large factories of the city, occupying separate buildings, the law is probably complied with in practically all cases. But in the smaller establishments conditions are different. These small shops, employing from two or three to fifty or sixty hands, and occupying single lofts of buildings in which the ground floor is commonly used for mercantile purposes, are exceedingly numerous in New York City. In a great many of these places conditions are far from ideal and the situation of the closets and generally the absence of separate approaches thereto (to say nothing of sanitary conditions) are in violation of the spirit if not of the strict letter of the law. The section regarding toilet facilities has been one of the most difficult parts of the labor law to enforce in New York City.

A statement was quoted above[1] to the effect that prior to 1886 manufacturers in erecting new factory buildings rarely gave any thought to the proper location and arrangement of toilet facilities. There has certainly been a great change in this respect. Nearly all the trouble to-day comes from old buildings. The new factory buildings are being constructed very carefully so as generally to more than comply with the law, and toilet facilities are usually of the most approved sort.

As to the effects of improper toilet arrangements on

[1] See p. 156.

the social environment of factory employment and the morality of employees, testimony might be given from a variety of sources. Numerous instances of abuses existing in early years might be cited.

Complaints of brutal treatment from overseers and charges that in certain establishments women had to sacrifice their honor in order to secure or retain employment were frequently made. There is also some direct evidence of immorality resulting from improper toilet arrangements. Of course such evils have not all been remedied by the law, which is directed at only one out of many causes. Still there is general agreement that conditions are far better to-day than formerly, and part of this result can fairly be credited to the improvement in factory association secured by the law.

The law requiring seats for female employees, while usually violated in mercantile establishments, is generally complied with in factories and there is little complaint on the subject. There has been a great improvement in this respect over conditions twenty years ago.

Effect of the Factory Law in Checking the Employment of Women.—The law does not aim directly to reduce the number of women employed in manufacturing establishments. Nevertheless the numerous restrictions placed upon their employment might have an indirect influence calculated to bring about such a result, since many manufacturers who have been employing only a few women would discharge them and hire men rather than make expensive alterations in their factories or put up with the annoying exactions of the law regarding female employment. That the factory law has had this influence is a statement often made, but usually without any definite proof to back it

up. It is in order to get some definite evidence on this question that the statistics in this section are presented.

The table on the following page has been compiled from the United States census reports for the years 1880, 1890, and 1900, and gives the population of the state of New York, ten years of age and over, engaged in gainful occupations, by sex and by classes of occupations. All gainful occupations are divided into four general classes as follows:

1. Agricultural pursuits.
2. Professional, domestic and personal service.[1]
3. Trade and trasportation, and
4. Manufacturing and mechanical industries.[2]

From the census figures have been computed the percentages of females in the total number of persons in each group.

The last group is the one with which we are concerned, since it is practically the only one affected by

[1] In the census reports for 1890 and 1900 there were five groups of occupations, professional service being separated from domestic and personal. In order to make comparison possible these groups have been combined in the table given.

[2] The censuses of 1880, 1890, and 1900 followed slightly different schemes of classification into occupation groups. To make the figures for the different years comparable it has therefore been necessary to reduce t em to a common basis, and the figures for 1880 and 1890 have accordingly been reduced to the scheme adopted in 1900. All the figures in the accompanying table are therefore based on the classification of 1900. In one respect the figures for 1880 are incorrect. In 1900 "Officials of mining and quarrying companies" were placed under "Manufacturing and mechanical pursuits," instead of under "trade and transportation" where they appeared in 1880 and 1890; but as this class of officials is not separately enumerated in 1880, the transfer could not be made for that year. However, as this class forms a very small part of the whole group, and as we are interested, not in the absolute numbers, but only in the relative numbers, this error is too slight to affect the result. For the details of the changes made in the classification in 1890 and 1900, see U. S. census 1890, Population, Part II, p. lxxvi; 1900, Vol. II, p. cxxvii.

POPULATION, 10 YEARS OF AGE AND OVER, IN GAINFUL OCCUPATIONS, 1880–1900

	Total	Males	Females	Percentage of females
1880—Total population (10 years and over)	3,981,428	1,950,059	2,031,369	51.0
All occupations	1,884,645	1,524,264	360,381	19.1
1. Agricultural pursuits	379,178	376,931	2,247	0.6
2 Professional, domestic and personal	529,365	323,852	205,513	38.8
3. Trade and transportation	350,378	334,545	15,833	4.5
4. Manufacturing and mechanical	625,724	488,936	136,788	21.9
1890—Total population (10 years and over)	4,822 392	2,385,622	2,436,770	50.5
All occupations	2,435,725	1,921,785	513,940	21.1
1. Agricultural pursuits	397,541	388,951	8,590	2.2
2. Professional, domestic and personal	651,026	385,256	265,770	40.8
3. Trade and transportation	527,564	481,790	45,774	8 7
4. Manufacturing and mechanical	859,594	665,788	193,806	22.5
1900—Total population (10 years and over)	5,801,682	2,877,822	2,923,860	50.4
All occupations	2,996,474	2,324,429	672,045	22.4
1. Agricultural pursuits	375,990	363,619	12,371	3.3
2 Professional, domestic and personal	832,767	515.523	317,244	38.1
3 Trade and transportation	753,160	656,970	96,190	12.8
4. Manufacturing and mechanical	1,034,557	788,317	246,240	23.8

the factory laws. The other groups are given for the sake of comparison.

In 1880 the number of females engaged in manufacturing and mechanical industries was 21.9% of the total number of persons so engaged. In 1890 the percentage was 22.5, and in 1900, 23.8. This shows a slight increase in the relative employment of women during the twenty years, though a smaller increase in the decade from 1880 to 1890, when the most important factory laws were enacted, than during the last ten years. The increase in the relative employment of women in manufacturing and mechanical pursuits between 1880 and 1890 is very slight and less than in any of the other groups of occupations; this fact might perhaps be taken as evidence showing a slight tendency of the factory law to drive women out of manufacturing and into other pursuits, but not much weight can probably be laid on this point.

There is another set of figures bearing on this same subject. These are the statistics of the average number of employees according to sex and age in the manufacturing and mechanical establishments of the state from 1850 to 1900, taken also from the United States census.[1] These figures, while covering, to a certain extent, the same ground as those just discussed, are yet obtained in a very different way and probably represent more truly actual employment in factories.

The table on the following page is identical with one given in the chapter on child labor, where its details were explained.[2] Children were not enumerated separately until 1870 and this fact makes the percentages

[1] U. S. census, 1900, Vol. VIII, p. 580.

[2] See p. 125.

somewhat misleading up to that year. Moreover, the earlier years are not of such significance for our purpose. Taking the figures, therefore, from 1870 to 1900 we see that in 1870 women formed 18.1 % of the total number of employees. In 1880 they constituted 25.9%; in 1890, 25.8%; and in 1900, 27.1%.

AVERAGE NUMBER OF EMPLOYEES, 1850–1900

	1850	1860	1870	1880	1890	1900
Number (in thousands)						
Total	199	230	352	532	752	849
Men 16 years and over	148	177	267	365	545	606
Women 16 years and over	52	53	64	137	194	230
Children under 16	*	*	21	30	12	13
Percentage						
Total	100.0	100.0	100.0	100.0	100.0	100.0
Men 16 years and over	74.1	76.9	76.0	68.6	72.5	71.3
Women 16 years and over	25.9	23.1	18.1	25.9	25.8	27.1
Children under 16	*	*	5.9	5.6	1.6	1.6
Percentage of increase						
Total		15.4	52.9	51.1	41.5	12.9
Men 16 years and over		19.7	51.2	36.3	49.6	11.0
Women 16 years and over		3.1	19.9	115 5	41.4	18.4
Children under 16		*	*	43.2	-58.5	7.6

*Not reported separately.

This shows a relative increase in the employment of women between 1870 and 1880 which is very considerable. Between 1880 and 1890 the proportion remains almost stationary, even decreasing slightly. This decrease is really greater than it appears, since there is a very large decrease in the employment of children between these years, with the result that the percentage of male employees rose from 68.6 to 72.5. In other words, the decrease in the employment of children was all made up in the employment of men, showing therefore a marked decrease in the employment of women as

compared with that of men. From 1890 to 1900 the percentage of men employed decreases slightly and there is a slight increase in the percentage of women. These figures show, then, a slight decrease in the relative employment of women between 1880 and 1890, the years in which the most important factory laws were enacted. This decrease, although slight, is the more significant since there is quite a noticeable increase in the decades just preceding and just following.

From the same table we have another set of percentages; namely, the percentages of increase in the employment of men, women and children. These figures, while not so significant, still point toward the same result; thus, the number of women employed increased 115.5 per cent from 1870 to 1880; whereas the number of men increased only 36.3 per cent., or less than one-third of the increase of women. From 1880 to 1890, however, female employees increased only 41.4 percent, while the men employed increased 49.6 per cent. In the next ten years, up to 1900, women increased by 18.4 per cent and men, 11 per cent. These figures show the same checking of the increase of female employment between the years 1880 and 1890, as was shown in the former percentages. Between 1880 and 1890, the percentage of increase of men is greater than that of women, while the reverse is very marked in the decades preceding and following.

Taking these figures, therefore, in connection with the table given first, which bears only negative testimony, the evidence would seem to show that while the absolute number of female employees has been increasing for the past thirty years, this increase received a distinctly noticeable check in the decade between 1880

and 1890, within which decade were enacted the first factory laws.

Regarding the relative employment of women as compared with that of men, we have also some evidence in the factory inspector's statistics. A summary of these statistics for the whole state is given in the table on the following page. Similar tables for each of the eight districts into which the state is divided will be found in the Appendix, from which the percentages of females employed have been taken to form the table on page 166. These tables are similar to the corresponding ones discussed in the chapter on child labor, and the explanations and qualifications made in that place apply equally here.[2]

The figures here given show that in 1887 38.3 per cent of the employees of the factories visited by the inspectors were females, while in 1903 women constituted only 29.9 per cent. The decrease has been fairly regular. There are some variations in the several districts but a decrease in the relative employment of women is shown in each. It will not be worth while to discuss the separate districts.

These figures must not be taken, however, as positive proof that the employment of women in the factories of the state has decreased relatively to that of men. As has been already stated in the chapter on child labor, the number of factories inspected in the early years was only a small fraction of the number in the whole state, and in making their visits the inspectors naturally selected those establishments employing the largest proportion of women and children. As the number of in-

[1] For the absolute numbers and the general discussion and criticism of the figures, see Appendix, pp. 174–187.

[2] See pp. 131, 132.

AVERAGE NUMBER OF EMPLOYEES, STATE OF NEW YORK

Year	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent of females	Per cent of children under 16
1887	2,178	104,623	64,828	12,049	21,661	7514	6695	14,209	169,451	38.3	8.4
1888	4,731	172,235	105,187	18,625	39,200	9485	8953	18,438	277,422	37.9	6.6
1889	5,111	177,143	100,064	18,547	35,341	8198	7116	15,314	277,207	36.1	5.5
1890	6,190	210,452	116,426	19,878	40,118	7694	6975	14,669	326,878	35.6	4.5
1891	10,097	281,517	140,553	22,923	48,774	9470	8025	17,495	422,070	33.3	4.1
1892	9,570	243,114	131,252	19,281	48,468	7475	6630	14,105	374,366	35.1	3.8
1893	11,038	277,529	138,708	19,986	48,948	7204	6660	13,864	416,237	33.3	3.8
1894	12,886	310,264	150,662	19,785	55,231	6556	5980	12,536	460,926	32.7	2.7
1895	19,178	385,346	173,588	21,755	57,170	6780	6904	13,684	558,934	31.1	2 4
1896	18,854	381,909	166,321	19,815	56,385	5528	6803	12,331	548,230	30.3	2.3
1897	15,012	369,496	137,401	18,926	45,980	4854	4673	9,527	506,897	27.1	1.9
1898	17,099	402,238	160,605	20,141	52,184	5270	6078	11,348	562,843	28.5	2.0
1899	20,116	464,979	182,530	20,375	——	7325	7135	14,460	647,509	28.2	2.2
1900	21,027	484,029	183,799	22,069	——	7769	7203	14,972	667,828	27.5	2.2
1901*	22,516	446,923	199,904	17,870	——	7243	7654	14,997	646,827	30.9	2.3
1902*	28,614	540,459	234,331	20,685	——	8564	8206	16,770	774,790	30.2	2.2
1903*	34,235	611,792	260.598	24,500	——	9058	9102	18,160	872,390	29.9	2.1

* The figures for 1901–1903 do not include children under 14 years of age. There were of these in 1901, 212; in 1902, 292; and in 1903, 460. The figures for 1901 cover only the ten months from December 1, 1900, to September 30, 1901, owing to a change in the official year at the time of the consolidation of the department of labor.

AVERAGE NUMBER OF EMPLOYEES. PERCENTAGE OF FEMALES

District Year	I	II	III	IV	V	VI	VII	VIII	State
1887	27.0	50.7	41.0	63.6	33.1	24.0	31.4	16.7	38.3
1888	25 0	52.2	41.4	53.6	32.5	24.1	29 6	14.7	37.9
1889	32.5	43.0	40.0	50.5	30.7	20.2	29 7	15.0	36.1
1890	30.5	44.2	38.4	46.9	29 2	20.9	28.5	16.1	35.6
1891	28.7	40.8	35.9	39.2	26.1	21.2	30.8	16.6	33.3
1892	34.4	43.0	39.1	48.9	24.4	23.2	25 7	14.7	35.1
1893	30.0	39.1	35 0	46.6	24.3	25.0	27.1	15.4	33.3
1894	29.8	38.1	30.2	44 4	25.8	21.4	27.6	15.8	32.7
1895	27.9	33.9	28.2	41.6	27 3	22.0	31.4	16.5	31.1
1896	27.1	34.8	27.1	42 5	23.5	23.5	28.0	15.4	30.3
1897	20.3	32.2	23 6	38.8	20 8	21.6	26.6	14.2	27 1
1898	22.1	34.5	26 2	40.0	24.5	21 2	26.1	16.1	28.5
1899	23.3	33.5	25.5	38.5	23.8	22.1	25.5	15.6	28.2
1900	22.3	31.7	26.1	37.2	24.5	23.0	25.3	16.1	27.5

spectors increased they were enabled to visit a larger and larger number of factories, thus taking in those establishments which employ a smaller proportion of women. Again the early factory laws applied almost exclusively to women and children, so that it was unnesessary to inspect factories employing only men. Since then the law has been extended to regulate the employment of men in numerous particulars, so that the law now applies to all the factories of the state, including those which employ only men. It follows naturally that the establishments visited in the earlier years must have had a larger proportiou of female employees than is found in the whole number of factories inspected during later years. This tendency is probably sufficient to explain the decreased proportion of women found employed in factories inspected, so that the figures given here do not necessarily conflict with those given above from the United States census but probably show only that the factory inspector's statistics are gradually approaching the actual proportion of men and women employed in all the mannfacturing establishments of the state. The census, on the other hand, gives us figures only at intervals of ten years, while the figures from the factory inspector's report apply to every year. It is possible, therefore, that there may have been a real decrease in the relative employment of women during the latter part of the decade between 1890 and 1900. Thus in 1895 nearly as many establishments were visited by the inspectors as in 1899 and 1900, and yet the proportion of women reported has been decreasing. Whether this means a real decrease in the relative employment of women cannot be answered from the evidence.

CHAPTER XI

PROVISIONS AFFECTING ALL EMPLOYEES

The most important parts of the factory law have been discussed in the two preceding chapters. It remains to speak very briefly of those parts of the law which affect all employees alike regardless of sex and age. These provisions may be grouped for convenience under three heads.

Under the heading of protection against accidents the law requires the placing of safety appliances upon all dangerous machinery. Elevator shafts must be properly enclosed by gates or doors, and the apparatus of elevators must be inspected and kept in good condition; no child under fifteen is permitted to operate an elevator and no person under eighteen, in case the speed of the elevator exceeds two hundred feet a minute. Work rooms, halls and stairways must be lighted if necessary for the sake of safety; employers are required to report to the commissioner of labor within forty-eight hours all accidents occurring in their establishments. Finally, the factory inspector is required to pass upon the safety of factory buildings with power to condemn any unsafe structure, and he must see that all boilers in factories are regularly inspected and kept in good order.

Under the subject of protection against fire may be placed the provisions of the law which require fire escapes of a pattern approved by the factory inspector on all factory buildings more than two stories in height. It is also required that stairways be provided with hand rails and that the steps be covered with rubber if necessary. Doors must open outwardly where practicable and must not be locked during working hours.

Under the third head we may place those parts of the

law which relate to sanitation and health, such as the requirement that walls and ceilings be whitewashed when necessary, that suitable wash rooms and toilet arrangements be provided and kept in good condition, and that exhaust fans be attached to all dust creating machinery. The law provides for proper ventilation, and aims to prevent overcrowding by requiring a certain number of cubic feet of air space to each employee in a room. Not less than sixty minutes must be allowed for the noon day meal except with the permission of the factory inspector, and twenty minutes must be allowed for lunch in case work continues more than an hour after six o'clock in the evening.

To show results from these provisions of the law is by no means an easy matter, even in cases where there can be no reasonable doubt that there have been results. No figures can be produced to show improvement in the health of employees through the sanitary provisions of the law. A decrease in the number of accidents and in the loss of life by fire might be looked for if we had reliable statistics of accidents extending back some twenty years. Such statistics, however, are not at hand. It is true that the law has required the reporting of all accidents to the factory inspector and all accidents thus reported are tabulated in the annual reports of the department. The trouble with these statistics is obvious. No manufacturer likes to make public accidents that have occurred in his establishment, especially if he has any reason to believe that other manufacturers are not reporting theirs. The result has been that, as a rule, manufacturers have reported accidents only when compelled to do so by the authorities. In the early years accidents generally came to the knowledge of the factory inspector through the newspapers; employers were then called upon to hand in the required

reports. As the number of the inspectors and the efficiency of the department have been increased the reporting of accidents to the department has become more and more regular and general. As a result any decrease that may have taken place in the number of accidents is more than made up by the greater proportion reported from year to year.

The few conclusions which are possible on this part of the factory law must therefore be based upon testimony of a general nature coming in the main from the same sources as in the two preceding chapters. There can be no doubt that there has been great improvement in the conditions of factory employment during the past twenty years. This improvement is due in no small degree to the influence of the factory law. Thus in the matter of guarding machinery there has been a great advance. As a single instance, in collar and shirt factories, shoe factories, and establishments engaged in the manufacture of clothing, sewing machines are arranged along tables under which runs the shafting which propels them. Accidents caused by catching the clothing in this shafting were of very frequent occurrence especially where women were employed. Such accidents were easily preventable but it was left for the factory law to compel manufacturers to provide the proper guards. Again, one of the most frequent sources of accident in factories has been the set screws in revolving shafts. It was the rule in early years for these to stand out from the shaft in such a way as to be likely to catch in the clothing of those who were not very careful. Set screws are now almost universally guarded and this result has been brought about by law. There has also been a great improvement in the matter of appliances for shifting belts, the lack of which was responsible for numerous accidents. In places where grinding and polishing

were done health was seriously threatened by the clouds of dust which were allowed to fill the rooms. This evil has been largely done away with through the provision of the law requiring exhaust fans. In early years the manufacturers of machinery paid little attention to guarding cog wheels and gearing. The fact that modern machinery is very generally provided with guards by the maker can be traced to the influence of the factory law. For instance, the makers of laundry machinery in Troy in 1889 improved the design of their machines at the suggestion of one of the factory inspectors.

The statement is made frequently in the reports of the factory inspector that the number of accidents has been greatly decreased through the section of the law which requires the reporting of accidents by employers. This statement seems reasonable although it cannot be proved.

In the matter of fire escapes there has been decided improvement. Previous to 1887 there was practically no regulation in this matter outside of the three largest cities. Testimony of the commissioner of labor statistics and the factory inspector is very strong as to the widespread lack of proper means of escape on factory buildings. Out of 816 answers received to blanks sent out by the former, 350 reported that outside fire escapes were provided in their places of employment; 318 reported that they were lacking, and the question was unanswered by 148.[1] This was in 1885. The year before, the investigation of the commissioner of labor statistics into conditions of child labor in a number of cities in the state brought out the alarming lack of means of escape from fire. The first two or three reports of the factory inspector refer again and again to the need of fire escapes on factories. Thus the report for 1887 calls attention to "the crying need of suitable means of

[1] N. Y. bur. labor stat., 1885, pp. 151–152.

egress from thousands of buildings, many of which were fire traps in the full meaning of the term."[1]

The act of 1887 which first required fire escapes on factory buildings was poorly drawn and resulted in the erection of hundreds of fire escapes which were of very little practical use. Description of some of these escapes has been given in a previous chapter.[2]

The law was amended in 1889 and the escapes erected since then have been of some service. Some of the early escapes which, while better than the average, were anything but ideal, have been allowed to remain and are in existence today. The early lack of fire escapes and the effectiveness of the law are shown by the fact that during the first year or two of its enforcement from one to three hundred escapes were erected annually in each district under orders of the factory inspectors; by 1892 it was estimated that four thousand escapes had been erected throughout the state in compliance with orders of the factory inspector. Another result of the law is seen in the fact that modern factory buildings are almost universally equipped with suitable fire escapes when erected. Architects now generally make provision for fire escapes in their plans for factories, which was not generally done before 1887. Danger from fire has likewise been materially lessened by the provisions of the law requiring that stairways be kept in proper condition and that doors open outwardly, and forbidding the locking of doors during working hours. These provisions have certainly resulted in decreasing danger from fire in factory buildings. Any number of cases might be cited showing loss of life due to the absence of proper fire escapes in early years and alongside of these might be placed numerous recent cases where serious loss of

[1] N. Y. fact. insp. rep , 1887, p. 36.

[2] See p. 53.

life would have resulted but for the escapes provided through the influence of the law.

The sanitary provisions of the law are mostly of rather recent date and are of relatively minor importance. A strict enforcement of many of the provisions would be well-nigh impossible, and it is not likely that these sections of the law have had any very far reaching results. One of the most troublesome parts of the law to enforce has been the section requiring that toilet rooms be kept clean and in good condition. The condition in most of the smaller shops in New York City shows that this part of the law is far from effective. One good effect of the law has been the setting of a sort of standard to be followed in the erection of new factories. Most modern factory buildings leave little to be desired in sanitary arrangement. Still, too much credit must not be given to the law. The majority of the better class of factories would probably have been well built and arranged without the influence of the factory law. The section of the law regarding time for the noon day meal is not important. Practically all requests for a shorter time comes from the employees.

In concluding this chapter it may be stated that the provisions of the law which aim to safeguard life and health through guarding machinery, providing fire-escapes, and securing proper sanitary arrangements have without doubt greatly decreased the dangers attending factory employment, although the evidence must necessarily be of a somewhat general sort and it is, of course, impossible to eliminate other forces which have been working in the same direction.

ERRATA

On page 3, foot note 2, for 105-106 read 80-81.
On page 3, foot note 3, for 89-91 read 68-69.
On page 15, foot note, for 22 read 17.

APPENDIX

STATISTICS FROM THE FACTORY INSPECTOR'S REPORTS 1887–1900

Introductory.—The greater part of each of the annual reports of the factory inspector is made up of statistical tables giving information about the establishments inspected during the year. These tables give for each year the average number of employees according to sex and age for each establishment inspected, the weekly hours of labor, and certain details regarding number and character of changes ordered and whether or not these orders have been complied with. Certain other facts such as the hours of labor on Saturday, number of illiterate children employed, the time allowed for the noon day meal, etc., are given in the reports for certain years but not continuously throughout the whole period. In the reports from 1887 to 1900 this material, occupying from 150 to 900 pages in each report, is rendered almost valueless by the form in which it is presented and the lack of proper analysis and summary. The tables merely consist of a list of all the individual factories inspected during the year with the specified facts regarding each, arranged by districts and counties, and sometimes by towns. The number of employees, grouped according to age and sex, is summarized each year for the whole state. From 1887 to 1895 the number of employees was also summarized by districts, and these reports gave in addition the ratio of children under sixteen years of age to the total number of persons employed for each district and for the whole state.

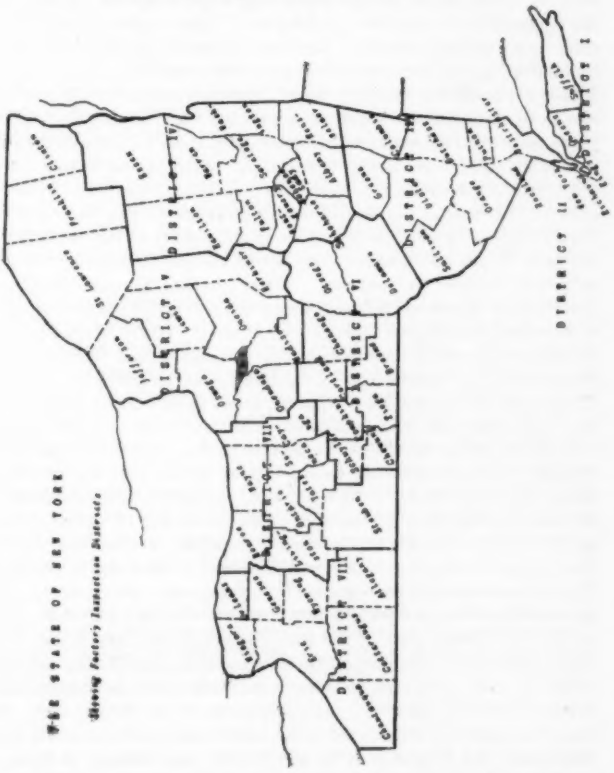
Since 1895 this valuable information has been omitted from the reports, which merely give the total number of employees by age and sex for the whole state. As to the weekly hours of labor the only information obtainable from the reports is the number of hours worked by each individual factory in the state. The report of 1901 was the first to make any attempt at analysis or summary of this material.

In order to make these statistics of practical value it has seemed advisable to undertake a somewhat complete analysis and tabulation of the figures, and the results of this work are contained in the following pages. The material is presented under two heads, namely, the average number of employees and the weekly hours of labor. These will be taken up in turn.

For convenience of administration the factory inspector in 1887 divided the whole state into eight districts as follows: [1]

[1] See map on p. 175.

District I.	Counties of Kings, Queens, Suffolk and Richmond.
District II.	New York City.[1]
District III.	Counties of Westchester, Rockland, Orange, Putnam, Dutchess,, Ulster, Sullivan, Greene and Columbia.[1]
District IV.	Counties of Albany, Rensselaer, Schenectady, Saratoga, Washington, Warren, Hamilton, Fulton, Essex, Montgomery and Schoharie.
District V.	Counties of Jefferson, Franklin, Lewis, Clinton, Herkimer, St. Lawrence, Oneida, Oswego, Madison and Onondaga.
District VI.	Counties of Delaware, Otsego, Chenango, Broome, Cortland, Tioga, Tompkins, Schuyler and Chemung.
District VII.	Counties of Cayuga, Wayne, Seneca, Monroe, Livingston, Ontario, Yates and Steuben.
District VIII.	Counties of Orleans, Niagara, Genesee, Wyoming, Allegany, Cattaraugus, Chautauqua and Erie.



[1]During the years 1888 to 1892 the part of New York City north of Twenty-third Street was included in district three, leaving in district two only that part of New York south of Twenty-third Street. In order to make comparison possible we have in the tables for these years subtracted the figures for the northern part of New York City from the third district and added them to the second, so that, in the tables here given the second district invariably comprises New York City, while district three comprises the counties given in the list above.

In presenting these tables some statement should be made regarding their probable reliability. As stated above, the figures for the average number of employees by years and districts and the percentages of children under sixteen years of age were computed by the factory inspector and presented in the annual reports from 1887 to 1895. This work has not been repeated by the writer and for these years the tables given in the following pages are merely copied from the reports of the factory inspector, changes being made only when errors in the printed tables have been detected incidentally in the course of the work on the tables of weekly hours, and when it has been found that the columns in the printed tables have not been correctly added. It must be stated, however, that wherever the work on other parts of the books has furnished a check on these figures the proportion of errors detected has been exceedingly large Hardly a column has been found free from error and in some columns more than half of the figures given have been shown to be incorrect, and errors running up into the thousands are by no means infrequent. These errors have all been corrected in the tables here presented, but the larger part of the figures for the average number of employees from 1887 to 1895 have not been subjected to any check and are given exactly as furnished in the reports. From what has been said it will be seen that these tables are subject to more or less suspicion. Corresponding figures for the years from 1896 to 1900 have all been computed under the direction of the writer from the original tables in the reports. Every precaution has been taken to eliminate errors and it is believed that while an occasional error may have crept in, the figures can be safely relied upon. This statement applies also to the tables on weekly hours of labor, the whole of which has been computed under the direction of the writer.

In all of this we are of course assuming the trustworthiness of the original tables themselves, an assumption which may not be wholly warranted by the facts. The figures are probably about as reliable as the average statistics of this sort. One important fact should, however, be borne in mind in drawing conclusions from the figures. The tables do not relate to the whole number of factories in the state, but only to the factories inspected in a given year. In the early years the number of inspectors was small, and it was impossible to cover more than a small part of the manufacturing establishments of the state. Since then the proportion inspected has steadily increased till today the inspectors plan to cover practically every establishment in the state which is affected by the provisions of the factory law. The factories chosen for inspection in the earlier years were as a rule those employing the largest number of children and women, or those regarding which complaints had been received.

Average Number of Employees.—Under this head are given the average number of employees for each year and each district, grouped according to sex and age, the groups being based, of course, on the

requirements of the factory law. Thus we have the number of males, of females, of males under 18 years of age, of females under 21, of males under 16, of females under 16, of children (both sexes) under 16, and total number of persons employed. The tables also show for each district and for each year what percentages of the total number of employees are females and what percentages are children under 16 years of age. For convenience of reference the number of factories inspected is given in these tables.

Weekly Hours of Labor.—As has been stated, the factory inspector's reports give for each year the prevailing weekly hours of labor in each factory of the state. In order to make this material available for study, tables have been compiled in which the factories are arranged according to their weekly hours of labor, into those which work 48 hours or less, 49 to 54 hours, 55 to 60 hours, 61 to 66 hours, and 67 hours or more. Each year there are certain factories which fail to report their hours of labor. The tables therefore give the total number of factories reporting, the total of those that fail to report, and the sum of these totals, which is, of course, the total number of places inspected. In order to facilitate comparison between districts and to discover variations from year to year, the percentage of factories in each column is given, these percentages being based on the total number reporting.

In the work of collecting these statistics there has evidently been a good deal of uncertainty on the part of the authorities themselves as to just what class of employees it was intended to cover. The original plan was apparently to determine the hours of labor of women and minors, and the heading of the column in which the figures appear was at first "Hours of labor of minors," or "Hours of labor of women and minors." Beginning in 1897, however, the column has been headed simply "Hours of labor." As a matter of fact it had been the practice of the inspectors for many yeas previous to 1897 to report the prevailing hours of labor in all establishments regardless of whether women or minors were employed. The hours of labor are generally the same for all classes of employees.

NOTE. Since 1900 the preparation of the reports of the factory inspector has been in the hands of expert statisticians, and the material is presented in a way which leaves little to be desired. Should the reader desire to supplement the statistics given in this Appendix by adding the corresponding figures for 1901 and later years, he is referred to the reports of the factory inspector for those years where the material will be found easily available.

AVERAGE NUMBER OF EMPLOYEES, STATE OF NEW YORK

Year	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent of females	Per cent of children under 16
1887	2,178	104,623	64,828	12,049	21,661	7514	6695	14,209	169,451	38.3	8.4
1888	4,731	172,235	105,187	18,625	39,200	9485	8953	18,438	277,422	37.9	6.6
1889	5,111	177,143	100,064	18,547	35,341	8198	7116	15,314	277,207	36.1	5.5
1890	6,190	210,452	116,426	19,878	40,118	7694	6975	14,669	326,878	35.6	4.5
1891	10,097	281,517	140,553	22,923	48,774	9470	8025	17,495	422,070	33.3	4.1
1892	9,570	243,114	131,252	19,281	48,468	7475	6630	14,105	374,366	35.1	3.8
1893	11,038	277,529	138,708	19,986	48,948	7204	6660	13,864	416,237	33.3	3.8
1894	12,886	310,264	150,662	19,785	55,231	6556	5980	12,536	460,926	32.7	2.7
1895	19,178	385,346	173,588	21,755	57,170	6780	6904	13,684	558,934	31.1	2.4
1896	18,854	381,909	166,321	19,815	56,385	5528	6803	12,331	548,230	30.3	2.3
1897	15,012	369,496	137,401	18,926	45,980	4854	4673	9,527	506,897	27.1	1.9
1898	17,099	402,238	160,605	20,141	52,184	5270	6078	11,348	562,843	28.5	2.0
1899	20,116	464,979	182,530	20,375	——	7325	7135	14,460	647,509	28.2	2.2
1900	21,027	484,029	183,799	22,069	——	7769	7203	14,972	667,828	27.5	2.2
1901*	22,516	446,923	199,904	17,870	——	7243	7654	14,997	646,827	30.9	2.3
1902*	28,614	540,459	234,331	20,685	——	8564	8206	16,770	774,790	30.2	2.2
1903*	34,235	611,792	260 598	24,500	——	9058	9102	18,160	872,390	29.9	2.1

* The figures for 1901–1903 do not include children under 14 years of age. There were of these in 1901, 212; in 1902, 292; and in 1903, 460. The figures for 1901 cover only the ten months from December 1, 1900, to September 30, 1901, owing to a change in the official year at the time of the consolidation of the department of labor.

AVERAGE NUMBER OF EMPLOYEES DISTRICT I

Year	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent. of females	Per cent. of children under 16
1887	283	19,197	7,107	1930	2851	962	670	1632	26,304	27.0	6.2
1888	472	27,207	9,081	2414	3727	1131	663	1794	36,288	25.0	4.9
1889	385	17,610	8,488	2202	3864	729	747	1476	26,098	32.5	5.7
1890	577	25,915	11,379	3212	4484	794	633	1427	37,294	30.5	3.8
1891	929	35,150	14,124	3864	5497	1212	892	2104	49,274	28.7	4.3
1892	797	25,227	13,207	2766	4904	815	760	1575	38,434	34.4	4.1
1893	949	33,663	14,442	2902	5799	769	844	1613	48,105	30.0	3.4
1894	1547	41,971	17,819	3394	7285	790	742	1532	59,790	29.8	2.6
1895	2148	50,673	19,615	3296	6854	786	844	1630	70,288	27.9	2.3
1896	1941	53,697	19,925	3382	6882	644	882	1526	73,622	27.1	2.1
1897	1856	61,749	15,699	4662	6994	818	774	1592	77,448	20.3	2.1
1898	2369	68,198	19,350	3277	7765	836	913	1749	87,548	22.1	2.0
1899	2578	75,019	22,822	2695	——	1164	1548	2712	97,841	23.3	2.7
1900	2218	74,096	21,290	3499	——	1360	1393	2753	95,386	22.3	2.9

AVERAGE NUMBER OF EMPLOYEES DISTRICT II

Year	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent. of females	Per cent. of children under 16
1887	346	13,531	13,904	1744	5,904	1042	1475	2517	27,435	50.7	9.2
1888	1581	36,049	39,333	4036	15,862	1917	3342	5259	75,382	52.2	7.0
1889	1786	44,054	33,267	3671	11,944	1360	1922	3282	77,321	43.0	4.2
1890	2521	58,559	46,369	5100	16,448	1866	2753	4619	104,928	44.2	4.4
1891	4399	83,523	57,615	6324	21,673	2580	3175	5755	141,138	40.8	4.1
1892	4475	71,387	53,817	5179	22,674	1865	2483	4348	125,204	43.0	3.5
1893	5207	80,120	51,365	5088	19,430	1510	1861	3371	131,485	39.1	2.6
1894	5320	103,385	63,558	5675	24,486	1868	2204	4072	166,943	38.1	2.4
1895	9741	142,280	72,811	6323	24,251	1829	2404	4233	215,091	33.9	2.0
1896	9550	127,614	68,183	5630	25,303	1311	2562	3873	195,797	34.8	2.0
1897	6454	114,786	54,605	5266	19,387	1051	1534	2585	169,391	32.2	1.5
1898	7074	114,551	60,328	5644	20,376	1087	1860	2947	174,879	34.5	1.7
1899	8116	134,853	68,044	5524	——	1387	2069	3456	202,897	33.5	1.7
1900	8513	148,844	69,208	5775	——	1730	2389	4119	218,052	31.7	1.9

AVERAGE NUMBER OF EMPLOYEES DISTRICT III

Year	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent. of females	Per cent. of children under 16
1887	173	13,927	9,659	2007	2031	1283	1072	2355	23,586	41.0	10.0
1888	244	16,219	11,470	2382	4840	1299	1144	2443	27,689	41.4	8.8
1889	235	15,879	10,564	2168	4662	1187	1038	2225	26,443	40 0	8.4
1890	248	16,964	10,593	1707	3930	882	797	1679	27,557	38.4	6.1
1891	323	21,625	12,110	1922	4257	997	854	1851	33,735	35.9	5.5
1892	315	19,078	12,259	1767	5232	783	655	1438	31,337	39.1	4.6
1893	401	24,855	13,375	2694	4891	1036	692	1728	38,230	35.0	4.5
1894	462	23,508	10,181	1774	4056	713	476	1189	33,689	30.2	3.5
1895	800	32,672	12,830	2313	4816	888	564	1452	45,502	28.2	3.2
2896	882	34,395	12,806	1989	4382	620	554	1174	47,201	27.1	2.4
1897	891	32,387	10,019	1408	3084	517	440	957	42,406	23.6	2.3
1898	877	31,073	11,013	1393	3023	530	519	1049	42,086	26.2	2.5
1899	988	41,441	14,170	1853	——	718	565	1283	55,611	25.5	2.3
1900	981	33,925	11,986	1639	——	807	523	1330	45,911	26.1	2.9

AVERAGE NUMBER OF EMPLOYEES DISTRICT IV

YEAR	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent. of females	Per cent. of children under 16
1887	192	9,051	15,818	1165	4027	894	1311	2205	24,869	63.6	8.9
1888	365	17,958	20,707	1618	4543	1099	1550	2649	38,665	53.6	6.9
1889	489	21,446	21,915	1584	3902	1030	1098	2128	43,361	50.5	4.9
1890	480	23,437	20,698	1858	4546	970	1035	2005	44,135	46.9	4.5
1891	936	35,454	22,877	2065	4641	1165	1100	2265	58,331	39.2	3.9
1892	795	24,037	23,010	1913	4655	931	980	1911	47,047	48.9	4.1
1893	769	31,600	27,571	2162	6724	934	1202	2136	59,171	46.6	3.6
1894	1006	35,277	28,208	2389	8463	921	881	1802	63,485	44.4	2.8
1895	1597	42,440	30,182	2361	7582	833	970	1803	72,622	41.6	2.5
1866	1590	41,665	30,735	2176	7313	732	948	1680	72,400	42.5	2.3
1897	1317	43,324	27,512	2174	6543	608	615	1223	70,836	38.8	1.7
1898	1443	45,852	30,564	2251	7317	577	720	1297	76,416	40.0	1.1
1899	1858	56,619	35,433	2120	——	1145	838	1983	92,052	38.5	2.1
1900	2041	58,382	34,572	2379	——	887	914	1801	92,954	37.2	1.9

AVERAGE NUMBER OF EMPLOYEES DISTRICT V

Year	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent. of females	Per cent. of children under 16
1887	305	13,510	6,675	1301	2277	1022	958	1980	20,185	33.1	9.9
1888	459	15,586	7,499	2110	3160	1031	869	1900	23,085	32.5	8.2
1889	533	20,461	9,068	3002	4228	1317	1054	2371	29,529	30.7	8.0
1890	559	21,978	9,069	2547	3588	996	756	1752	31,047	29.2	5.6
1891	002	31,970	11,268	2487	4325	1161	816	1977	43,238	26 1	4.6
1892	968	33,358	10,788	2177	3405	1094	766	1860	44,146	24.4	4.2
1893	878	32,113	10,285	1896	3541	750	634	1384	42,398	24.3	3.3
1894	1196	29,529	10,281	1646	3177	593	532	1125	39,810	25.8	2.8
1895	1334	35,142	13,213	2063	4112	826	793	1619	48,355	27.3	3.3
1896	1137	34,858	10,703	1635	3348	607	588	1195	45,561	23.5	2 6
1897	1249	35,329	9,293	1469	2822	562	418	980	44,622	20.8	2.2
1898	1571	43,129	14,011	1947	4565	735	794	1529	57,140	24.5	2.7
1899	1895	48,133	15,002	2143	——	990	877	1867	63,135	23.8	3.0
1900	2208	52,866	17,126	2382	——	1018	927	1945	69,992	24.5	2.8

AVERAGE NUMBER OF EMPLOYEES DISTRICT VI

YEAR	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent. of females	Per cent. of children under 16
1887	271	9,231	2908	481	673	355	185	540	12,139	24.0	4.4.
1888	565	13,072	4146	931	944	486	254	740	17,218	24.1	4.3
1889	703	13,976	3531	813	1003	364	185	549	17,507	20.2	3.1
1890	634	12,296	3242	480	763	180	125	305	15,538	20.9	2.0
1891	815	14,946	4026	1003	1255	250	109	359	18,972	21.2	1.9
1892	534	13,305	4024	985	1213	214	106	320	17,329	23 2	1.9
1893	668	14,896	4966	847	1583	242	115	357	19,862	25.0	1.8
1894	809	16,281	4445	698	1274	178	156	334	20,726	21.4	1.6
1895	757	15,323	4333	564	1202	119	92	211	19,656	22.0	1.1
1896	805	15,625	4796	549	1241	145	97	242	20,421	23.5	1.2
1897	843	15,168	4175	463	979	126	98	224	19,343	21.6	1.2
1898	851	16,238	4372	901	1236	112	115	227	20,610	21.2	1.1
1899	981	17,715	5038	758	——	181	142	323	22,753	22.1	1.4
1900	1093	18,380	5494	761	——	145	132	277	23,874	23.0	1.2

AVERAGE NUMBER OF EMPLOYEES DISTRICT VII

Year	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent. of females	Per cent. of children under 16
1887	281	13,563	6,221	1890	2405	1024	721	1745	19,784	31.4	8.8
1888	494	20,128	8,477	2406	3679	945	674	1619	28,605	29.6	5.7
1889	557	22,385	9,452	2795	3653	817	603	1420	31,837	29.7	4.5
1890	616	25,384	10,119	2421	3962	632	421	1053	35,503	28 5	3.0
1891	964	27,804	12,347	2669	4019	865	618	1483	40,151	30.8	3.7
1892	847	25,094	8,694	2096	3323	731	575	1306	33,788	25.7	3.9
1893	1388	30,199	11,214	2374	4506	969	916	1885	41,413	27.1	4.6
1894	1343	25,025	9,561	1746	3980	644	612	1256	34,586	27.6	3.6
1895	1460	28,402	13,026	2477	5113	716	769	1485	41,428	31 4	3.6
1896	1417	27,644	10,749	1786	4525	511	536	1047	38,393	28.0	2.7
1897	1008	25.442	9,234	1384	3491	449	341	790	34.676	26 6	2.3
1898	1194	30,888	10,922	1698	4202	602	477	1079	41,810	26.1	2.6
1899	1421	32,789	11,208	1703	——	632	464	1096	43,997	25.5	2.5
1900	1609	36,757	12,422	1687	——	734	409	1143	49,179	25.3	2.3

AVERAGE NUMBER OF EMPLOYEES DISTRICT VIII

YEAR	Number of factories inspected	Males	Females	Males under 18 years of age	Females under 21 years of age	Males under 16 years of age	Females under 16 years of age	Total number of children under 16	Total number of persons employed	Per cent. of females	Per cent. of children under 16
1887	327	12,613	2,536	1531	1493	932	303	1235	15,149	16.7	8.2
1888	551	26,016	4,474	2718	2445	1577	457	2034	30,490	14.7	6.7
1889	423	21,332	3,779	2310	2085	1394	469	1863	25,111	15.0	7.4
1890	555	25,919	4,957	2553	2397	1374	455	1829	30,876	16.1	5.9
1891	729	31,045	6,186	2589	3107	1240	461	1701	37,231	16.6	4.6
1892	839	31,628	5,453	2398	3062	1042	305	1347	37,081	14.7	3.6
1893	778	30,083	5,490	2023	2474	994	396	1390	35,573	15.4	3.9
1894	1203	35,288	6,609	2463	2510	849	377	1226	41,897	15.8	2.9
1895	1341	38,414	7,578	2358	3240	783	468	1251	45,992	16.5	2.7
1896	1532	46,411	8,424	2670	3391	958	636	1594	54,835	15.4	2.9
1897	1394	41,311	6,864	2100	2680	723	453	1176	48,175	14.2	2.4
1898	1720	52,309	10,045	3030	3700	791	680	1471	62,354	16.1	2.4
1899	2279	58,410	10,813	3579	----	1108	632	1740	69,223	15.6	2.5
1900	2364	60,779	11,701	3937	----	1088	516	1604	72,480	16.1	2.2

WEEKLY HOURS OF LABOR, 1887–1900 STATE OF NEW YORK

Year	Number of Factories Working													
	48 or less		49–54		55–60		61–66		67 or more		Total reported		Not rep.	Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
1887	102	4.8	239	11.2	1,771	82.7	18	0.8	11	0.5	2,141	100	37	2,178
1888	236	5.1	970	20.8	3,351	72.0	74	1.6	22	0 5	4.653	100	78	4,731
1889	216	4.3	1065	21.2	3,652	72 6	72	1.4	28	0 6	5,033	100	78	5,111
1890	295	4.9	1984	17.9	4,407	72.9	206	3.4	51	0.8	6,043	100	147	6,190
1891	553	5 5	1881	18.8	6,821	68.3	581	5.8	147	1 5	9,983	100	114	10,097
1892	521	5.5	1304	13.6	6,776	70.9	847	8.9	111	1.2	9,559	100	21	9,580
1893	596	5.5	1426	13.1	7,827	71.7	917	8 4	145	1 3	10,911	100	127	11,038
1894	841	6.6	1864	14.6	9,225	72.2	620	4.9	232	1.8	12,782	100	104	12,886
1895	1328	6.9	3171	16 6	14,180	74.1	269	1 4	194	1.0	10,142	100	36	19,178
1896	1157	6.1	3724	19 8	13,519	71.8	215	1.1	211	1.1	18,826	100	28	18,854
1897	1404	9 4	3225	21.6	9,920	66.3	118	0.8	288	1.9	14,955	100	57	15,012
1898	1574	9.2	3609	21.1	11,367	66.5	158	0.9	380	2.2	17,088	100	11	17,099
1899	1864	9.3	4049	20.2	13,535	67.4	131	0.7	497	2.5	20,076	100	40	20,116
1900	1590	7.6	4569	21.7	14,184	67.5	144	0.7	534	2.5	21,021	100	6	21,027

WEEKLY HOURS OF LABOR, 1887–1900 DISTRICT I

Year	Number of Factories Working													
	48 or less		49–54		55–60		61–66		67 or more		Total reported		Not rep.	Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No	%		
1887	4	1.6	25	9.8	227	88.7	0	0	0	0	256	100	27	283
1888	3	0.7	39	8.8	401	90 5	0	0	0	0	443	100	29	472
1889	3	0.8	32	8.4	345	90.6	1	0.3	0	0	381	100	4	385
1890	10	1.7	80	13.9	483	83 9	2	0.3	1	0.2	576	100	1	577
1891	23	2.5	101	10.9	804	86.5	0	0	1	0.1	929	100	0	929
1892	19	2.4	68	8.5	680	85.3	27	3 4	3	0.4	797	100	0	797
1893	14	1.5	60	6.4	813	87.0	43	4 6	5	0.5	935	100	14	949
1894	55	3.6	78	5.1	1344	87.3	55	3.6	8	0.5	1540	100	7	1547
1895	52	2.4	114	5.3	1974	92.2	3	0.1	1	0	2144	100	4	2148
1896	41	2.1	104	5.4	1793	92 5	0	0	1	0.1	1939	100	2	1941
1897	135	7.3	229	12.3	1435	77 4	7	0 4	49	2 6	1855	100	1	1856
1898	156	6.6	293	12.4	1868	78.9	7	0.3	45	1.9	2369	100	0	2369
1899	170	6.6	304	11.8	2040	79 2	8	0 3	52	0.2	2574	100	4	2578
1900	162	7.3	336	15.2	1675	75.5	8	0.4	33	1.5	2214	100	4	2218

WEEKLY HOURS OF LABOR, 1887–1900 DISTRICT II

Year	Number of Factories Working													
	48 or less		49–54		55–60		61–66		67 or more		Total reported		Not rep.	Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
1887	38	11.0	118	34.2	181	52 5	8	2.3	0	0	345	100	1	346
1888	84	5 4	756	48.3	670	42.8	52	3.3	3	0 2	1565	100	16	1581
1889	83	4.7	853	48.1	778	43.9	57	3.2	2	0.1	1773	100	13	1786
1890	145	6 0	815	33.6	1243	51.2	200	8.2	23	0.9	2426	100	95	2521
1891	280	6 4	1447	33.0	2099	47.8	533	12 1	34	0.8	4393	100	6	4399
1892	328	7.3	1014	22.7	2334	52.2	755	16.9	42	0.1	4473	100	3	4476
1893	268	5 2	1059	20 4	2993	57.8	828	15 9	35	0 7	5183	100	24	5207
1894	209	3.9	1316	24 8	3235	60.8	520	9 8	37	0 7	5317	100	3	5320
1895	580	6 0	2527	25.9	6448	66.2	155	1.6	30	0.3	9740	100	1	9741
1896	495	5.2	2446	25.6	6457	67.6	108	1.1	39	0.4	9545	100	5	9550
1897	642	10 0	2344	36.4	3407	53.0	25	0.4	15	0.2	6433	100	21	6454
1898	803	11.4	2584	36.5	3620	51.2	30	0.4	36	0 5	7073	100	1	7074
1899	940	11.6	3002	37.1	4088	50.4	35	0.4	33	0.4	8098	100	18	8116
1900	806	9.5	3356	39.4	4253	50.0	28	0.3	70	0.8	8513	100	0	8513

WEEKLY HOURS OF LABOR, 1887–1900 DISTRICT III

Year	Number of Factories Working													
	48 or less		49–54		55–60		61–66		67 or more		Total reported		Not rep.	Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
1887	5	2.9	5	2.9	161	93.6	1	0.6	0	0	172	100	1	173
1888	7	3.1	9	4.0	206	92.4	1	0.4	0	0	223	100	21	244
1889	4	1.8	4	1.8	211	95 9	1	0.5	0	0	220	100	15	235
1890	6	2.4	9	3.7	231	93.1	0	0	2	0.8	248	100	0	248
1891	10	3.1	15	4.7	286	89.1	0	0	10	3 1	321	100	2	323
1892	10	3.2	22	7.0	274	87.3	0	0	8	2.5	314	100	0	314
1893	12	3.8	22	6.9	270	84.4	0	0	16	5.0	320	100	81	401
1894	12	3.2	35	9.4	313	83.9	1	0.3	12	3.2	373	100	89	462
1895	64	8.0	98	12.3	617	77.3	4	0.5	15	1.9	798	100	2	800
1896	66	7.5	681	77.7	108	12 3	3	0.3	18	2.1	876	100	6	882
1897	63	7.1	155	17.5	635	71.7	9	1.0	24	2.7	886	100	5	891
1898	50	5.7	137	15.7	636	72 6	17	1.9	36	4.1	876	100	1	877
1899	67	6.8	160	16.2	716	72.5	10	1.0	34	3.4	987	100	1	988
1900	39	4.0	146	14.9	731	74.5	14	1.4	51	5.2	981	100	0	981

WEEKLY HOURS OF LABOR, 1887–1900 DISTRICT IV

Year	Number of Factories Working													
	48 or less		49–54		55–60		61–66		67 or more		Total reported		Not rep.	Total
	No.	%	No.	%	No	%	No.	%	No.	%	No.	%		
1887	6	3.2	6	3.2	175	93.1	0	0	1	0.5	188	100	4	192
1888	16	4.4	13	3.6	319	88.6	9	2.5	3	0.8	360	100	5	365
1889	19	3 9	28	5.8	430	89.0	3	0.6	3	0.6	483	100	6	489
1890	20	4.2	23	4.9	424	89.8	1	0 2	4	0.8	472	100	8	480
1891	48	5.3	33	3.6	813	88.9	15	1.6	5	0.5	914	100	22	936
1892	42	5.3	23	2.9	689	86.8	28	3.5	12	1.5	794	100	9	803
1893	59	7.7	26	3 5	661	86.3	11	1.4	9	1.2	766	100	3	769
1894	72	7.2	52	5.2	843	83.8	13	1.3	26	2.5	1006	100	0	1006
1895	195	12.3	102	6.4	1217	76.8	39	2.5	29	1.8	1582	100	15	1597
1896	184	11.6	156	9.8	1160	73.3	60	3.8	23	1.5	1583	100	7	1590
1897	115	8 8	113	8.7	1022	78.3	28	2.2	28	2.2	1306	100	11	1317
1898	97	6 7	88	6.1	1161	80.6	43	3.0	52	3.6	1441	100	2	1443
1899	175	9.4	100	5.4	1471	79 3	29	1.6	79	4.3	1854	100	4	1858
1900	120	5.9	135	6.6	1653	81 0	45	2.2	88	4.3	2041	100	0	2041

WEEKLY HOURS OF LABOR, 1887–1900 DISTRICT V

Year	Number of Factories Working													
	48 or less		49–54		55–60		61–66		67 or more		Total reported		Not rep.	Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
1887	3	1.0	37	12.2	257	84.6	4	1.3	3	1.0	304	100	1	305
1888	3	0.7	61	13 3	384	83.8	5	1.1	5	1.1	458	100	1	459
1889	4	0 8	44	8.3	466	88.6	7	1.3	5	0 9	526	100	7	533
1890	24	4.3	33	5.9	481	86.4	3	0.5	16	2.9	557	100	2	559
1891	41	4 1	65	6.5	821	82.1	24	2.4	49	4 9	1000	100	2	1002
1892	36	3.7	23	2.4	851	88.1	31	3.2	25	2 6	966	100	2	968
1893	38	4 3	35	4.0	733	83 5	26	3.0	46	5.2	878	100	0	878
1894	204	17 1	86	7.2	834	69.9	22	1.8	48	4 1	1194	100	2	1196
1895	162	12.2	83	6.2	975	73 3	54	4.1	57	4.3	1331	100	3	1334
1896	118	10.4	65	5.7	848	74.9	37	3.3	64	5.7	1132	100	5	1137
1897	129	10.4	81	6.5	918	74.1	33	2.7	78	6.3	1239	100	10	1249
1898	119	7 5	96	6.1	1199	76.3	48	3.1	109	6.9	1571	100	0	1571
1899	122	6.5	97	5.1	1505	79.6	36	1.9	131	6.9	1891	100	4	1895
1900	99	4.5	117	5.3	1846	83.6	34	1.5	112	5.1	2208	100	0	2208

WEEKLY HOURS OF LABOR, 1887–1900 DISTRICT VI

Year	Number of Factories Working													
	48 or less		49–54		55–60		61–66		67 or more		Total reported		Not rep.	Total
	No.	%	No.	%	No.	%	No.	%	No	%	No.	%		
1887	29	10.7	25	9.2	208	76.8	5	1.8	4	1.5	271	100	0	271
1888	90	15.9	46	8.1	421	74.5	4	0.7	4	0.7	565	100	0	565
1889	87	12.5	65	9.4	529	76.1	1	0 1	13	1.8	695	100	8	703
1890	67	10.9	58	9.5	484	79.0	0	0	4	0.7	613	100	21	634
1891	89	11.6	76	9.9	579	75.8	4	0.5	16	2.1	764	100	51	815
1892	36	6.7	31	5.8	465	87.1	0	0	2	0.4	534	100	0	534
1893	74	11.1	40	6.0	543	81.4	4	0.6	6	0.9	667	100	1	668
1894	74	9.2	40	5.0	637	78 8	2	0.2	55	6.8	808	100	1	809
1895	107	14.2	57	7.5	570	75.5	3	0.4	18	2.4	755	100	2	757
1896	96	11.9	63	7.8	617	76.6	5	0.6	24	3.0	805	100	0	805
1897	96	11 4	73	8.7	618	73 3	8	0.9	48	5.7	843	100	0	843
1898	107	12.6	77	9.0	605	71.1	8	0.9	54	6.3	851	100	0	851
1899	106	10.8	59	6.0	735	74 9	8	0 8	73	7 4	981	100	0	981
1900	77	7.1	80	7.3	859	78.7	10	0.9	65	5.9	1091	100	2	1093

WEEKLYHOURS OF LABOR, 1887-1900 DISTRICT VII

Year	Number of Factories Working													
	48 or less		49-54		55-60		61-66		67 or more		Total reported		Not rep.	Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
1887	12	4.3	12	4.3	257	91.5	0	0	0	0	281	100	0	281
1888	18	3.6	28	5.7	448	90.7	0	0	0	0	494	100	0	494
1889	9	1.6	35	6.3	510	92.1	0	0	0	0	554	100	3	557
1890	11	1.8	52	8.5	550	89.7	0	0	0	0	613	100	3	616
1891	30	3.2	105	11.1	801	84.5	1	0.1	11	1.2	948	100	16	964
1892	19	2.2	87	10.3	737	87.1	1	0.1	2	0.2	846	100	2	848
1893	78	5.6	153	11.0	1145	82.5	0	0	12	0.9	1388	100	0	1388
1894	111	8.4	157	11.7	1056	78.7	2	0.1	16	1.2	1342	100	1	1343
1895	95	6.5	134	9.2	1196	82.2	4	0.3	26	1.8	1455	100	5	1460
1896	79	5.6	137	9.7	1178	83.1	2	0.1	21	1 5	1417	100	0	1417
1897	83	8.3	131	13.1	764	76.2	3	0.3	22	2.2	1003	100	5	1008
1898	109	9 2	111	9.3	945	79 3	0	0	26	2.2	1191	100	3	1194
1899	127	8.9	109	7.7	1140	80.2	1	0.1	43	3.0	1420	100	1	1421
1900	138	8.6	102	6.3	1321	82.1	2	0.1	46	2.9	1609	100	0	1609

WEEKLY HOURS OF LABOR, 1887–1900 DISTRICT VIII

Year	Number of Factories Working													
	48 or less		49–54		55–60		61–66		67 or more		Total reported		Not rep.	Total
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
1887	5	1.6	11	3.4	305	94.1	0	0	3	0.9	324	100	3	327
1888	15	2.8	18	3.3	502	92.1	3	0.6	7	1.3	545	100	6	551
1889	7	1.7	4	1.0	383	95.5	2	0.5	5	1.2	401	100	22	423
1890	12	2.2	14	2.6	511	95.0	0	0	1	0.2	538	100	17	555
1891	32	4.5	39	5.5	618	86.5	4	0.6	21	2.9	714	100	15	729
1892	31	3.7	36	4.3	746	89.3	5	0.6	17	2.0	835	100	5	840
1893	53	6.8	31	4.0	669	86.4	5	0.6	16	2.1	774	100	4	778
1894	104	8.7	100	8.3	963	80.1	5	0.4	30	2.5	1202	100	1	1203
1895	73	5.5	56	4.2	1183	88.5	7	0.5	18	1.3	1337	100	4	1341
1896	78	5.1	72	4.7	1358	88.8	0	0	21	1.4	1529	100	3	1532
1897	141	10.1	99	7.1	1121	80.6	5	0.4	24	1.7	1390	100	4	1394
1898	133	7.8	223	13.0	1333	77.7	5	0.3	22	1.3	1716	100	4	1720
1899	157	6.9	218	9.6	1840	81.0	4	0.2	52	2.3	2271	100	8	2279
1900	149	6.3	297	12.6	1846	78.2	3	0.1	69	2.9	2364	100	0	2364

THE FIRST FACTORY LAW—CHAPTER 409 OF THE LAWS OF 1886

AN ACT to regulate the employment of women and children in manufacturing establishments, and to provide for the appointment of inspectors to enforce the same.

Passed, May, 18, 1886; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. No minor under the age of eighteen years nor any woman under twenty-one years shall be employed at labor in any manufacturing establishment in this State for a longer period than sixty hours in any one week, unless for the purpose of making necessary repairs.

§ 2. No child under thirteen years of age shall be employed in any manufacturing establishment, and every child under sixteen years of age when so employed shall be recorded by name in a book kept for the purpose, and a certificate duly verified by its parent or guardian, or if the child shall have no parent or guardian, then by such child stating age and place of birth of such child, shall be kept on file by the employer, which book and which certificate shall be produced by him or his agent at the requirement of the proper inspector.

§ 3. Every person, firm or corporation employing women under twenty-one years, or minors under eighteen years of age, in any manufacturing establishment, shall post and keep posted in a conspicuous place in every room where such help is employed, a printed notice stating the number of hours per day for each day of the week required of such persons, and in every room where children under sixteen years of age are employed, a list of their names with their age.

§ 4. Any person who knowingly violates or omits to comply with any of the foregoing provisions of this act, or who knowingly employs or suffers or permits any child to be employed in violation of its provisions, shall, on conviction, be punished by a fine of not less than fifty nor more than one hundred dollars, and in default of payment of such fine, by imprisonment for not less than thirty nor more than ninety days.

§ 5. No person or corporation employing less than five persons or children, excepting in any of the cities of this State, shall be deemed a manufacturing establishment within the meaning of this act.

§ 6. The governor shall, immediately after the passage of this act, appoint, with the advice and consent of the senate, a factory inspector, at a salary of two thousand dollars per year, and one assistant at a salary of fifteen hundred dollars per year, whose term of office shall be three years. The said inspector and assistant shall be empowered

to visit and inspect at all reasonable hours, and as often as practicable, the factories, workshops and other establishments in the State where the manufacture of goods is carried on, and to report to the bureau of labor statistics of this State on or before the thirtieth day of November of each year. It shall also be the duties of said inspector to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in the State.

§ 7. All necessary expenses incurred by said inspectors in the discharge of their duty shall be paid from the funds of the State, upon the presentation of proper vouchers for the same, provided that not more than twenty-five hundred dollars shall be expended by them therefor in any one year.

§ 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 9. This act shall take effect on and after the fourth day of July, eighteen hundred and eighty-six.

ANALYSIS OF THE NEW YORK LABOR LAWS[1]

The labor law of the state of New York is comprised in Chapter 415 of the Laws of 1897 (approved May 13, 1897, and in effect June 1, 1897), constituting Chapter XXXII of the General Laws, as amended by subsequent legislatures including the Legislature of 1903. This chapter consists of fourteen articles of which the titles are as follows:—

I. General provisions, (secs. 1-21).
II. Commissioner of labor statistics, (secs. 30-32).
III. Public employment bureaus, (secs. 40-43).
IV. Convict-made goods and duties of commissioner of labor statistics relative thereto, (secs. 50-55).
V. Factory inspector, assistant and deputies, (secs. 60-67).
VI. Factories, (secs. 70-93).
VII. Tenement-made articles, (secs. 100-106).
VIII. Bakery and confectionery establishments, (secs. 110-115).
IX. Mines and their inspection, (secs. 120-129).
X. State board of mediation and arbitration, (secs. 140-149).
XI. Employment of women and children in mercantile establishments, (secs. 160-173).
XII. Employment of children in street trades, (secs. 174-179a).
XIII. Examination and registration of horseshoers, (secs. 180-184).
XIV. Laws repealed; when to take effect, (secs. 190-191).

This chapter is supplemented by the following sections of the penal code, as amended by Chapter 416 of the Laws of 1897, which relate to violations of the labor law:—

384b. Unlawful dealing in convict-made goods.
447a. Negligently furnishing insecure scaffolding.
447c. Neglect to complete or plank floors of buildings constructed in cities.
384f. Failure to furnish statistics to commissioners of labor statistics.
384g. Refusal to admit inspector to mines and quarries; failure to comply with requirements of inspector.
384h. Hours of labor to be required.
384i. Payment of wages.
384j. Failure to furnish seats for female employees.
384k. No fees to be charged for services rendered by free employment bureaus.
384l. Violations of provisions of labor law. (As amended by L. 1903, ch. 380).
384m. Illegal practice of horseshoeing.

In addition to Chapter 415 of the Laws of 1897, technically known as the "labor law," and the corresponding parts of the penal code,

[1] In force October 1, 1903.

as enumerated above, there is a considerable number of other laws affecting more or less directly the special interests of the laboring class and which are therefore included under the labor law in its broadest sense. In the first place, we must include Chapter 9 of the Laws of 1901, which consolidated the formerly existing bureau of labor statistics, office of factory inspector, and board of arbitration into a single department of labor and provided for its organization. The other laws which may properly be included are given in the following list. Of course the selection of this list from all the laws of the state is more or less a matter of judgment, and no two writers will agree on exactly the same list. The selection given here is that of the New York department of labor, and is taken from the nineteenth annual report of the bureau of labor statistics.[1] The same authority is responsible for the classification according to subject matter which has been followed. Following is the list of statutes :-

I. Child Labor

1. Penal code: laws of 1881, ch. 676, sec. 292. (As amended by L. 1884, ch. 46; L. 1886, ch. 31; L. 1892, ch. 309). *Certain employments of children prohibited.*
2. Laws of 1894, ch. 671 (known as the compulsory education law and constituting Title XVI of the consolidated school law) secs. 3 and 5. (As amended by L. 1896, ch. 606; L. 1903, ch. 459). *Educational restriction.*

II. Hours of Labor

1. Laws of 1900, ch. 453. *Drug clerks in New York City.*
2. Laws of 1892, ch. 677. (Being the statuary construction law and and constituting Chapter I of the general laws) sec. 24. (As amended by L. 1897, ch. 614; L. 1902, ch. 39). *Public holidays and half holidays.*
3. Penal code; Laws of 1881, ch. 676, secs. 263, 264, 266, and 267. (As amended by L. 1886, ch. 358; L. 1885, ch. 519; L. 1886, ch. 648; L. 1901, ch. 392). *Sunday labor.*
4. Laws of 1895, ch. 823. *Regulating barbering on Sunday.*

III. Political and Legal Rights and Privileges of Workingmen

1. Laws of 1896, ch. 909. (Being the election law and constituting Chapter VI of the general laws) sec. 109. *Allowing time for employees to vote without loss of pay.*
2. Penal code: Laws of 1881, ch. 676, sec. 41 s. (As amended by L. 1892, ch. 693; L. 1894, ch. 714; L. 1901, ch. 371). *Preventing employers from coercing employees in their exercise of the suffrage.*
3. Code of civil procedure, Chapter 13, Title 2, Article 1, secs. 1390 and 1391. (As amended by L. 1879, ch. 542; L. 1891, ch. 112; L.

[1] N. Y. bur. labor stat. 1901, Part II, pp. 1-128.

1901, ch. 116; L. 1903, ch. 461). *Exempting workingmen's tools, etc., from attachment for debt.*

4. Code of civil procedure, Chapter 15, Title 4, Article 1, sec. 1879. (Judgment creditor's action). *Exempting wages of workingmen from attachment for debt.*
5. Laws of 1877, ch. 466. (Being the general assignment act) sec. 29. (As amended by L. 1884, ch. 328; L. 1886, ch. 283; L. 1897, ch. 266 and ch. 624). *Making employees preferred creditors.*
6. Laws of 1892, ch. 688. (Being the stock corporation law, and constituting Chapter XXXVI of the general laws) secs. 54 and 55. (As amended by L. 1901, ch. 354). *Liability of stockholders for wage debts.*
7. Laws of 1890, ch. 565. (Being the railroad law, and constituting Chapter XXXIX of the general laws) sec. 30. *Liability of railroad corporations to employees of contractors for wage debts.*
8. Laws of 1902, ch. 580, secs. 44, 274, 340, and 348. *Securing the payment of wages in New York City.*
9. Laws of 1897, ch. 418. *The lien law.* (As amended).
10. Penal code: Laws of 1881, ch. 676, secs. 171b and 171c. (As added by L. 1903, ch. 349). *Penalty for discriminating against national guardsmen.*

IV Public Work

1. Laws of 1899, ch. 370, (Being the civil service law, and constituting Chapter III of the general laws), sec 17. *Registration of laborers for municipal employment,* and sec. 20. *Preference allowed veterans in public employment.*
2. Laws of 1897, ch. 444. *Prohibiting the sub-letting of public contracts.*
3. Laws of 1894, ch. 338, (Being the canal law, and consisting Chapter XIII, (XII) of the general laws), sec. 135. *Securing the payment of wages to employees of contractors upon canals.*
4. Laws of 1902, ch. 588. *Authorizing the eight-hour day upon reservoir construction in New York City.*

V. Prison Labor

1. Constitution of New York, Article III, sec. 29. *The state use system established.*
2. Revised statutes, Part 4, Chapter 3, Title 2, (As amended) secs. 98, 103, 105, and 107, (As amended by L. 1896, ch. 429; L. 1897, ch. 623; L. 1901, ch. 418). *The state use system established.*
3. Laws of 1898, ch. 645. *Restriction upon printing industry in prisons.*
4. Laws of 1894, ch. 266. (As amended by L. 1894, ch. 664). *Highway improvement by convict labor.*
5. Laws of 1892, ch. 686. (Being the county law, and constituting Chapter XVIII of the general laws), sec. 93. (As amended by L. 1896, ch. 826). *Employment of prisoners in county jails.*

6. Laws of 1901, ch. 466. (The New York charter), secs. 700, 701, 702. *Employment of prisoners in New York penal institutions.*

VI. Industrial Education

1. Laws of 1896, ch. 272. (Being the domestic relations law, and constituting Chapter XLVIII of the general laws). Art. VII. (As amended by L. 1899, ch. 448. *Providing for the indenturing of apprentices.*
2. Code of criminal procedure: Laws of 1881, ch. 272, Title IX. secs. 927-938. (As amended by L. 1895, ch. 880). *Of procedure respecting masters, apprentices, and servants.*
3. Laws of 1894, ch. 556. (Being the consolidated school law). Title 15, Art. 10, secs. 25–27. *Industrial training in the public schools.*
4. Laws of 1888, ch. 545 (As amended by L. 1889, ch. 383; L. 1890, ch. 305; L. 1891, ch. 71). *Free lectures for working people.*
5. Laws of 1897, ch. 97. *Free lectures for working people.*
6. Laws of 1899, ch. 489. *Free lectures for working people.*
7. Laws of 1892, ch. 685. (Being the general municipal law, and constituting Chapter XVII of the general laws) sec. 24, (As amended by L. 1896, ch. 576). *Free public libraries.*
8. Laws of 1892, ch. 378. (The university law) secs. 36, 37, and 50, (As amended by L. 1895, ch. 859; L. 1902, ch. 185; L. 1900, ch. 481). *Free public libaries.*

VII. Licensing of Trades[1]

1. Laws of 1900, ch. 327. (Being the general city law, and constituting Chapter XXII of the general laws) Art. III. *Examination and licensing of plumbers in cities.*
2. Laws of 1896, ch. 803. *Examination and licensing of plumbers in New York City.*
3. Laws of 1901, ch. 466. (Being the revised charter of greater New York), secs. 342, and 343. *Inspection of steam boilers and licensing of steam engineers in New York City.*
4. Laws of 1897, ch. 635. Amending sec. 312 of the New York City consolidation act—Laws of 1882, ch. 410). As amended by L. 1900, ch. 461 and ch. 709). *Inspection of steam boilers and licensing of steam engineers in New York City.*
5. Laws of 1901, ch. 733. *Licensing of stationary fireman in New York City.*
6. Laws of 1890, ch. 565. (Being the railroad law, and constituting Chapter XXXIX of the general laws) sec. 42. (As amended by L. 1895, ch. 513). *Defining the qualifications of street railway conductors, motormen, etc.*
7. Penal code: Laws of 1881, ch. 676, sec. 418. (As amended by L. 1895, ch. 892). *Qualification of engineers and telegraphers.*
8. Laws of 1893, ch. 661. (Being the public health law, and constitu-

[1]The only local laws included under this heading are those applying to New York City.

ing Chapter XXV of the general laws). Art. XII. (As added by L. 1903, ch. 293). *Examination and registration of nurses.*

9. Laws of 1903, ch. 632. *Regulating the practice of barbering.*

VIII. Trade Unions

1. Laws of 1895, ch. 559. (Being the membership corporation law, and constituting Chapter XLIII of the general laws), secs. 30 and 31. (As amended by L. 1897, ch. 205; L. 1901, ch. 436). *Authorizing the incorporation of labor organizations.*
2. Laws of 1896, ch. 377. (Being the benevolent orders law, and constituting Chapter XLIV of the general laws), sec. 7. (As amended by L. 1898, ch. 46 and ch. 464; L. 1902, ch. 390). *Authorizing labor organizations to maintain or construct buildings, halls, or libraries for their use.*
3. Laws of 1898, ch. 671. *Preventing fraudulent representation in labor organizations.*
4. Penal code: Laws of 1881, ch. 676, sec. 171a. (As amended by L. 1887, ch. 688). *Unlawful to compel employees to agree not to join labor organizations.*

IX. Industrial Disputes

1. Penal code: Laws of 1881, ch. 676, secs. 168, 169, 170, 653, 673 and 675. (As amended by L. 1891, ch. 327). *Illegal combinations, coercion, etc.*
2. Penal code: Laws of 1881, ch. 676, sec. 119. (As amended by L. 1892, ch. 272). *The "Anti-Pinkerton" Act: Prohibiting the appointment of non-residents as special officers to preserve the public peace.*
3. Laws of 1890, ch. 365. (Being the railroad law, and constituting Chapter XXXIX of the general laws), sec. 58. (As amended by L. 1899, ch. 539). *Conductors and trainmen as policemen.*

X. Miscellaneous Acts

1. Laws of 1902, ch. 600. *The employer's liability law.*
2. Laws of 1881, ch. 419. *Duties of employees.*
3. Laws of 1888, ch. 410. (As amended by L. 1891, ch. 330). *Intelligence offices and employment agencies in New York City.*
4. Laws of 1891, ch. 185. *Intelligence offices and employment agencies in Brooklyn.*
5. Laws of 1882, ch. 410. (The New York City consolidation act), secs. 2069-2084. *Protection of sailors.*
6. Laws of 1893, ch. 543. (As amended by L. 1896, ch. 486; L. 1900, ch. 549). *Compelling equipment of engines and freight trains with air brakes.*
7. Laws of 1893, ch. 544. (As amended by L. 1896, ch. 485). *Compelling equipment of freight cars with automatic couplers.*
8. Laws of 1890, ch. 565. (Being the railroad law, and constituting Chapter XXXIX of the general laws), secs. 111 and 111a. (As added by L. 1903, ch. 325, and ch. 426). *Requiring the enclosure of platforms on street cars.*

THE FACTORY LAW

[Chapter 415 of the Laws of 1897, constituting Chapter XXXII of the General Laws.]

ARTICLE V

Factory Inspector, Assistant and Deputies

Section 61. **Deputies and clerks.**—The factory inspector may appoint from time to time, not more than fifty persons as deputy factory inspectors, not more than ten of whom shall be women, and who may be removed by him at any time. Each deputy inspector shall receive an annual salary of one thousand two hundred dollars. The factory inspector may designate six or more of such deputies to inspect the buildings and rooms occupied and used as bakeries and to enforce the provisions of this chapter relating to the manufacture of flour or meal food products. One of such deputies shall have a know-

*Office of factory inspector was abolished by L. 1901, ch. 9, and the functions thereof imposed upon the commissioner of labor.

ledge of mining, whose duty it shall be, under the direction of the factory inspector, to inspect mines and quarries and to enforce the provisions of this chapter relating thereto. The factory inspector may appoint one or more of such deputies to act as clerk in his principal office. [*As amended by L. 1899, ch. 192.*]

§ 62. **General powers and duties of factory inspector.**—The factory inspector may divide the state into districts, assign one or more deputy inspectors to each district, and may in his discretion, transfer them from one district to another.

The factory inspector shall visit and inspect, or cause to be visited and inspected, the factories, during reasonable hours, as often as practicable, and shall cause the provisions of this chapter to be enforced therein and prosecute all persons violating the same.

Any lawful municipal ordinance, by-law or regulation relating to factories or their inspection, in addition to the provisions of this chapter and not in conflict therewith, shall be observed and enforced by the factory inspector.

The factory inspector, assistant and each deputy may administer oaths and take affidavits in matters relating to the enforcement of the provisions of this chapter.

No person shall interfere with, obstruct or hinder, by force or otherwise, the factory inspector, assistant factory inspector or deputies while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the provisions of this chapter.

All notices, orders and directions of assistants or deputy factory inspectors given in accordance with this chapter are subject to the approval of the factory inspector.

§ 63. **Reports.**—The factory inspector shall report annually to the legislature in the month of January. The assistant factory inspector and each deputy shall report to the factory inspector, from time to time, as he may require.

§ 64. **Badges.**—The factory inspector may procure and cause to be used, badges for himself, his assistant and deputies, while in the performance of their duties, the cost of which shall be a charge upon the appropriation made for the use of the department.

§ 65. **Payment of salaries and expenses.**—All necessary expenses incurred by the factory inspector in the discharge of his duties, shall be paid by the state treasurer upon the warrant of the comptroller, issued upon proper vouchers therefor. The reasonable necessary traveling and other expenses of the assistant factory inspector and deputy factory inspectors, while engaged in the performance of their duties, shall be paid in like manner upon vouchers approved by the factory inspector and audited by the comptroller. All such expenses and the salaries of the factory inspector, assistant and deputies shall be payable monthly. [*As amended by L. 1899, ch. 192.*]

§ 66. **Sub-office in New York city.**—The factory inspector may establish and maintain a sub-office in the city of New York, if, in his opinion, the duties of his office demand it. He may designate one or more of the deputy factory inspectors to take charge of and manage such office, subject to his direction. The reasonable and necessary expenses of such office shall be paid, as are other expenses of the factory inspector.

§ 67. **Duties of factory inspector relative to apprentices.**—The factory inspector, his assistant and deputies shall enforce the provisions of the domestic relations law, relative to indentures of apprentices, and prosecute employers for failure to comply with the provisions of such indentures and of such law in relation thereto.

ARTICLE VI

Factories

§ 70. **Employment of minors.**—No child under the age of fourteen years shall be employed, permitted or suffered to work in or in

* Chap. 184 of the Laws of 1903, which amends the sections of this article relating to the employment of children, takes effect October 1, 1903. Section 4 thereof reads as follows:

§ 4. The word custodian as used in this act shall include any person, organization or society having the custody of said child.

connection with any factory in this state. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate issued as provided in this article shall have been theretofore filed in the office of the employer at the place of employment of such child. [*As amended by L. 1903, ch. 184.*]

§ 71. **Employment certificate how issued.**—Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated by such board, department or commissioner for that purpose, upon the application of the parent or guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved, and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided in this article. (2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, shall be conclusive evidence of the age of such child. (3) The affidavit of the parent or guardian or custodian of a child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child farther has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued. [*As amended by L. 1903, ch. 184.*]

§ 72. **Contents of certificate.**—Such certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child

named in such certificate has appeared before the officer signing the certificate and been examined. [*As amended by L. 1903, ch. 184.*]

§ 73. **School record, what to contain.**—The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the school year previous to his arriving at the age of fourteen years or during the year previous to applying for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the age and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian. [*As amended by L. 1903, ch. 184.*]

§ 75. **Report of certificates issued.**—The board or department of health or health commissioner of a city, village or town, shall transmit, between the first and tenth day of each month, to the office of the factory inspector a list of the names of the children to whom certificates have been issued.

§ 76. **Registry of children employed.**—Each person owning or operating a factory and employing children therein shall keep, or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection, upon the demand of the commissioner of labor. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. [*As amended by L. 1903, ch. 184.*]

§ 77. **Hours of labor of minors and women.**—No minor under the age of sixteen years shall be employed, permitted or suffered to work in any factory in this state before six o'clock in the morning, or after nine o'clock in the evening of any day, or for more than nine hours in any one day. No minor under the age of eighteen years, and no female shall be employed, permitted or suffered to work in any factory in this state before six o'clock in the morning, or after nine o'clock in the evening of any day; or for more than ten hours in any one day, except to make a shorter work day on the last day of the week; or for more than sixty hours in any one week, or more hours in any one week than will make an average of ten hours per day for the whole number of days so worked. A printed notice, in a form which shall

be prescribed and furnished by the commissioner of labor, stating the number of hours per day for each day of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not otherwise be employed, permitted or suffered to work in such factory except as stated therein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner of labor. The presence of such persons at work in the factory at any other hours than those stated in the printed notice shall constitute prima facie evidence of a violation of this section of the law. [*As amended by L. 1899, ch. 192, and L. 1903, ch. 184.*]

§ 78. **Change of hours of labor of minors and women.**—When in order to make a shorter work day on the last day of the week, a minor over sixteen and under eighteen years of age, or a female sixteen years of age or upwards, is to be required or permitted to work in a factory more than ten hours in a day, the employer of such person shall notify the commissioner of labor in writing, of such intention, stating the number of hours of labor per day, which it is proposed to require or permit, and the time when it is proposed to cease such requirement or permission; a similar notification shall be made when such requirement or permission has actually ceased. A record of the names of the employees thus required or permitted to work overtime, with the amount of such overtime, and the days upon which such work was performed, shall be kept in the office of such factory, and produced upon the demand of the commissioner of labor. [*As amended by L 1899, ch. 192, and L. 1903, ch. 184.*]

§ 79. **Enclosure and operation of elevators and hoisting shafts; inspection.**—If, in the opinion of the factory inspector, it is necessary to protect the life or limbs of factory employees, the owner, agent or lessee of such factory where an elevator, hoisting shafts, or well hole is used, shall cause, upon written notice from the factory inspector, the same to be properly and substantially enclosed, secured or guarded, and shall provide such proper traps or automatic doors so fastened in or at all elevator ways, except passenger elevators enclosed on all sides, as to form a substantial surface when closed and so constructed as to open and close by action of the elevator in its passage either ascending or descending. The factory inspector may inspect the cable, gearing or other apparatus of elevators in factories and require them to be kept in a safe condition.

No child under the age of fifteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator in a factory, nor shall any person under the age of eighteen years be employed or permitted to have the care, custody or manage-

ment of or to operate an elevator therein running at a speed of over two hundred feet a minute.

§ 80. **Stairs and doors.**—Proper and substantial hand rails shall be provided on all stairways in factories. The steps of such stairs shall be covered with rubber, securly fastened thereon, if in the opinion of the factory inspector the safety of the employees would be promoted thereby. The stairs shall be properly screened at the sides and bottom. All doors leading in or to any such factory shall be so constructed as to open outwardly where practicable; and shall not be locked, bolted or fastened during working hours.

§ 81. **Protection of employees operating machinery.**—The owner or person in charge of a factory where machinery is used, shall provide, in the discretion of the factory inspector, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set screws and machinery, of every description, shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats, or pans, while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels, grind stones and other machinery creating dust. If a machine or any part thereof is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the factory inspector, and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When, in the opinion of the factory inspector, it is necessary the workrooms, halls and stairs leading to workrooms shall be properly lighted. Such lights to be independent of the motive power of such factory. No male person under eighteen years or woman under twenty-one years of age shall be permitted or directed to clean machinery while in motion. Children under 16 years of age shall not be permitted to operate or assist in operating dangerous machines of any kind. [*As amended by L. 1899, ch. 192.*]

§ 82. **Fire escapes.**—Such fire escapes as may be deemed necessary by the factory inspector shall be provided on the outside of every factory in this state consisting of three or more stories in height. Each escape shall connect with each floor above the first, and shall be of sufficient strength, well fastened and secured, and shall have landings or balconies not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, embracing at least two windows at each story and connected with the interior by easily accessible and unobstructed openings. The balconies or land-

ings shall be connected by iron stairs, not less than eighteen inches wide, with steps not less than six inches tread, placed at a proper slant and protected by a well-secured hand-rail on both sides, and shall have a drop ladder not less than twelve inches wide reaching from the lower platform to the ground.

The windows or doors to the landing or balcony of each fire escape shall be of sufficient size and located as far as possible, consistent with accessibility, from the stairways and elevator hatchways or openings, and a ladder from such fire escape shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of every factory from the upper story to the roof, as a means of escape in case of fire.

§ 83. **Factory inspector may order erection of fire escapes.**—Any other plan or style of fire escape shall be sufficient if approved in writing by the factory inspector. If there is no fire escape, or the fire escape in use is not approved by the factory inspector, he may, by a written order served upon the owner, proprietor or lessee of any factory, or the agent or superintendent thereof, or either of them, require one or more fire escapes to be provided therefor, at such locations and of such plan and style as shall be specified in such order. Within twenty days after the service of such order, the number of fire escapes required therein, shall be provided, each of which shall be of the plan and style specified in the order, or of the plan and style described in the preceding section.

§ 84. **Walls and ceilings.**—The walls and ceilings of each work room in a factory shall be lime washed or painted when, in the opinion of the factory inspector, it will be conducive to the health or cleanliness of the persons working therein.

§ 85. **Size of rooms.**—No more employees shall be required or permitted to work in a room in a factory between the hours of six o'clock in the morning and six o'clock in the evening than will allow to each of such employes not less than two hundred and fifty cubic feet of air space; and, unless by a written permit of the factory inspector, not less than four hundred cubic feet for each employee, so employed between the hours of six o'clock in the evening and six o'clock in the morning, provided such room is lighted by electricity at all times during such hours, while persons are employed therein.

§ 86. **Ventilation.**—The owner, agent or lessee of a factory shall provide, in each work-room thereof, proper and sufficient means of ventilation; in case of failure the factory inspector shall order such ventilation to be provided. Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall forfeit to the people of the state, ten dollars for each day after the expiration of such twenty days, to be recovered by the factory inspector, in his name of office.

§ 87. **Accidents to be reported.**—The person in charge of any factory shall report in writing to the factory inspector all accidents or injuries sustained by any person therein, within forty-eight hours after

the time of the accident, stating as fully as possible the extent and cause of the injury, and the place where the injured person has been sent, with such other information relative thereto as may be required by the factory inspector who may investigate the cause of such accident, and require such precautions to be taken as will, in his judgment, prevent the recurrence of similar accidents.

§ 88. **Wash-room and water-closets.**—Every factory shall contain a suitable, convenient and separate water-closet or water-closets for each sex, which shall be properly screened, ventilated, and kept clean and free from all obscene writing or marking; and also, a suitable and convenient wash room. The water-closets used by women shall have separate approaches. Inside closets shall be maintained whenever practicable and in all cases when required by the commissioner of labor. When women or girls are employed, a dressing-room shall be provided for them, when required by the commissioner of labor. [*As amended by L. 1901, ch. 306.*]

§ 89. **Time allowed for meals.**—In each factory at least sixty minutes shall be allowed for the noon-day meal, unless the factory inspector shall permit a shorter time. Such permit must be in writing and conspicuously posted in the main entrance of the factory, and may be revoked at any time. Where employees are required or permitted to work overtime for more than one hour after six o'clock in the evening, they shall be allowed at least twenty minutes to obtain a lunch, before beginning to work overtime.

§ 90. **Inspection of factory buildings.**—The factory inspector, or other competent person designated by him, upon request, shall examine any factory outside of the cities of New York and Brooklyn, to determine whether it is in a safe condition. If it appears to him to be unsafe, he shall immediately notify the owner, agent or lessee thereof specifying the defects, and require such repairs and improvements to be made as he may deem necessary. If the owner, agent or lessee shall fail to comply with such requirement, he shall forfeit to the people of the state the sum of fifty dollars, to be recovered by the factory inspector in his name of office.

§ 91. **Inspection of boilers in factories.**—All boilers used for generating steam or heat for factory purposes shall be kept in good order, and the owner, agent, manager or lessee of such factory shall have such boilers inspected by a competent person approved by the factory inspector, once in six months, and shall file a certificate showing the results thereof in such factory office, and a duplicate thereof in the office of the factory inspector. Each boiler or nest of boilers used for generating steam or heat for factory purposes shall be provided with a proper safety-valve, and with steam and water gauges, to show respectively, the pressure of steam and the height of water in the boilers. Every boiler house in which a boiler or nest of boilers is placed, shall be provided with a steam gauge properly connected with the boilers, and another steam gauge shall be attached to the steam

pipe in the engine house, and so placed that the engineer or fireman can readily ascertain the pressure carried. Nothing in this section shall apply to boilers in factories which are regularly inspected by competent inspectors acting under the authority of local laws or ordinances. [*Added by L. 1899, ch. 192.*]

§ 92. **Laundries.**—A shop, room or building where one or more persons are employed in doing public laundry work by way of trade or for purposes of gain is a factory within the meaning of this chapter, and shall be subject to the visitation and inspection of the factory inspector, and the provisions of this chapter in the same manner as any other factory. No such public laundry work shall be done in a room used for a sleeping or living room. All such laundries shall be kept in a clean condition and free from vermin and all impurities of an infectious or contagious nature. This section shall not apply to any female engaged in doing custom laundry work at her home for a regular family trade. [*Added by L. 1901, ch. 477.*]

§ 93. **Employment of women and children at polishing or buffing.**—No male child under the age of eighteen years, nor any female, shall be employed in any factory in this state in operating or using any emery, tripoli, rouge, corundum, stone, carborundum or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or of iridium are manufactured. The owner, agent or lessee of a factory who employs any such person in the performance of such work is guilty of a misdemeanor and upon conviction thereof shall be fined the sum of fifty dollars for each such violation. The commissioner of labor, his assistants and deputies, shall enforce the provisions of this section. [*Added by L. 1899, ch. 375; renumbered by L. 1901, ch. 478, ; amended and renumbered by L. 1903, ch. 561*]

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LIST OF DOCTORAL DISSERTATIONS IN POLITICAL ECONOMY IN PROGRESS IN AMERICAN UNIVERSITIES AND COLLEGES ON JANUARY 1, 1905.

NOTE.—The appended list has been compiled from responses received to a circular of inquiry addressed by the Publication Committee to all institutions represented in the Council of the American Economic Association. Students not in actual residence are distinguished by an asterisk [*]. Students whose period of continuous non-residence exceeds three years are omitted from the list.

BRYN MAWR.

ELLEN DEBORAH ELLIS, A.B., Bryn Mawr College, 1901; A.M., same, 1901. Introduction to the study of sugar as a commodity. May, 1901.

BROWN.

JESSIE WILSON, Ph.B., Brown, 1898; A.M., Brown, 1899. The history of Rhode Island, 1760–1783.

COLORADO.

JAMES WILLIAM ELLISON, A.B., University of Denver, 1902; A.M., same, 1903. Financial history of Colorado. 1906.

COLUMBIA.

JIROSHI ABURATANI, A.B., Doshisha College, Japan, 1892. The evolution of the family, marriage and divorce in Japan since the feudal period. 1905.

EUGENE A. AGGER, A.B., University of Cincinnati, 1901; A.M., 1902. American state and local budgets. 1905–6.

ENOCH M. BANKS, A.B., Emory College, 1897; A.M., same, 1900. The economics of land tenure. Thesis in Press.

A. BERGLUND, A.B., University of Chicago, 1904. Steel and iron associations. 1905–6.

NORRIS A. BRISCO, A.B., Queen's University, 1898; A.M., same, 1901. The place of Walpole in Economics. 1906.

*FREDERIC M. DAVENPORT, A.B., Wesleyan, 1889. The social phenomena of religious revivals. Published in 1905.

MICHAEL M. DAVIS, A.B., Columbia, 1900. The sociological theories of Gabriel Tarde. 1906.

ALLEN BARBER EATON, Ph.B., Beloit College, 1899; A.M., Yale, 1902. Minor Political Parties in the United States. 1905.

R. L. FOUCHT, A.B., Butler College, 1903. Employers' associations.

JOHN LEWIS GILLIN, A.B., Iowa College, 1895; A.M., Columbia, 1903. The Dunkers in Europe and in America.

G. G. GROAT, A.B., Syracuse University; Pd.M., State Normal College; A.M., Cornell University. The history of labor legislation and the labor movement in the United States. In press.

WILLIAM BUCK GUTHRIE, A.B., Lenox, 1893; Ph.B., State University of Iowa, 1895. Pre-revolutionary socialism. 1905.

FRANK HAMILTON HANKINS, A.B., Baker University, 1901. Quetelet. 1906

*WARREN L. HOAGLAND, A.B., Wesleyan, 1898; A.M., Columbia, 1900. The history of the New Jersey poor laws.

M. JACOBSTEIN, A.B., Columbia, 1904. Tobacco culture and tobacco industry in the United States. 1905–1906.

SAMUEL L. JOSHI, A.B., Madras University. The economic history of India.

PAUL U. KELLOGG, Time and piece wages in the iron industry.

*ROYAL MEEKER, A.B., Iowa State University, 1898. Shipping subsidies. Finished. To be printed in 1905.

WALLACE E. MILLER, A.B., Ohio Wesleyan, 1897. The peopling of Kansas.

THOMAS B. MOORE, A.B., Dutch State College, 1901. The hemp industry in the United States. In press.

*HENRY R. MUSSEY, A.B., Beloit 1900. The iron ore production in the United States. In press.

E. H. OLIVER, A.B., University of Toronto, 1902; A.M., 1903. The economic history of Rome up to the time of the Empire.

ROBERT B. OLSEN, A.B., Whitman College, 1900; A.M., Columbia, 1901. The relation of local to general finance.

*COMADORE EDWARD PRENEY, B.S., Wisconsin, 1895; A.M., Columbia, 1899 Economic bearings of American agriculture.

*BERTHA HAVEN PUTNAM, A.B., Bryn Mawr, 1893. The enforcing of the statutes of laborers in England, 1349–1360. 1905–1906.

GUY E. SNIDER, B.L., University of Wisconsin, 1901, and A.M., 1902. Railway taxation. 1905–1906.

*EVERETT B. STACKPOLE, W.B., Bowdoin College, 1900; A.M., Columbia, 1902. Reciprocity with the South American Republics.

CHARLES E. STANGELAND, A.B., Augsburg Theological Seminary, 1898; A.M., University of Minnesota, 1901. Pre-Malthusian theories of population. Published 1905.

*ALVAN ALONZO TENNEY, A.B., Columbia, 1898, and A.M., 1899. History of the charity organization movement.

EDWIN S. TODD. A.B., Wittenburg, 1893, and Ph.D., 1901. A social study of Clark county, Ohio. Printed in 1905.

D. D. WING, B.S., Mass. Inst., of Technology, 1898. History of the greenback movement in Maine.

CORNELL.

*ROBERT CLARKSON BROOKS, A.B., Indiana University, 1896. History of the street and rapid transit railways in New York City. Thesis completed. To be published in 1905.

*WILLARD EUGENE HOTCHKISS, Ph.B., Cornell, '97; A.M., '03. The judicial work of the comptroller of the treasury as compared with similar functions in the governments of France and Germany; a study in administrative law. 1905.

EMANUEL ALEXANDER GOLDENWEISER, A.B., Columbia, 1903. Russian Immigration to the United States.

GEORGE DAVID HUBBARD, B.S., M.S., A.M.. The geographic influence of the precious metals in ihe development of the United States.

*EDWIN WALTER KEMMERER, A.B., Wesleyan University, 1899. Money and credit instruments in relation to general prices. Thesis completed. To be published in 1905.

CHARLES CLIFFORD HUNTINGTON, B.Ph., Ohio State University, 1902. A.M., same, 1903. The development of business organization in Ohio. To be completed 1906.

ALBERT CHARLES MUHSE, A.B., Indiana University, '01; A.M., '02. The justification of taxation in relation to economic and political science. 1905.

EARL WINTON PETTIBONE, A.B., Oberlin College, 1901. Coöperation among farmers in marketing produce.

GEORGE PENDLETON WATKINS, A.B., Cornell, 1899. The analysis of utility; a contribution to the theory of economic consumption.

HARVARD.

DWIGHT ST. JOHN BOBB, A.M., Harvard, '00; LL.B., Harvard, '03. Determination of rates.

VANDEVEER CUSTIS, A.M., Harvard, '02. The theory of industrial consolidation. June, '05.

STUART DAGGETT, A.B., Harvard, '03. Railroad reorganization. June, '05.

EMERSON DAVID FITE, A.B., Yale, '97. The Economic history of the United States during the Civil War. June, '05.

JOSEPH CLARENCE HEMMEON, A.M., Harvard, '04. The limits of State Interference. June, '06.

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REV. EDWIN HELLABY WILLISFORD, A.B., Hillsdale College, '96; B.D., '98; A.M., '99. The social history of wealth. Due 1906.

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